I. INTRODUCTION

Although return is a natural part of migration patterns, it can also become a highly sensitive issue when migrants are not legally entitled to remain in their host country and decide to return home of their own volition or are compelled to do so by force. Irregular migration remains a prominent trend in Bali Process Member States. Frequently, without legal documents and having expended all of their economic means as well as being indebted, irregular migrants may end up stranded in route or in detention with no economic resources to return home. Others, due to their high vulnerability, may become easy targets for unscrupulous traffickers and can end up in situations of exploitation. A significant number also apply for asylum and protection, some would eventually have their claims rejected and face forcible return. Many migrants also aspire to eventually return to the regions from which they originate, representing invaluable development resources for their country of origin, but are unable to do so for various reasons.

Through an Assisted Voluntary Return and Reintegration (AVRR) program, migrants have an option to return home when they are unable or unwilling to remain in their host countries and do not have the means to return to their country of origin. If properly implemented and its principles are respected, AVRR represents a more humane, dignified and sustainable approach of return. It is a viable alternative to detention and forced return whenever possible.

II. AVRR: DEFINING THE ELEMENTS OF POLICY

A. WHO CAN BENEFIT FROM AVRR

Potentially, any migrant in need of assistance for his or her return home may benefit from AVRR assistance. These migrants most often include the following:

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1 This paper is the result of a collaboration between IOM and MPI under the auspices of the RSO. It benefited from inputs from government officials from Cambodia, Indonesia, Malaysia and Sri Lanka.
✓ migrants in an irregular situation (not having been served a deportation, expulsion or removal order);
✓ persons whose asylum claim has been rejected (not having been served a deportation, expulsion or removal order);
✓ irregular migrants in administrative detention;
✓ asylum-seekers who, having claimed asylum, subsequently choose not to pursue their asylum claim;
✓ persons with refugee status, or enjoying temporary protected status, who choose to return home;
✓ victims of trafficking and associated forms of exploitation like forced labour;
✓ any person with legal status in the host country, but without means to return home (including, for example, stranded persons and students) and;
✓ labour migrants at the end of their contracts.

Most of these categories, particularly victims of trafficking and unaccompanied migrant children, requires additional and specific measures and considerations for assistance.

Box 1 below provides three cases where an AVRR program, Voluntary Return Support and Reintegration Assistance for Bali Process Member States, provide help to a wide range of beneficiaries in different situations.

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**Box 1: AVRR in Action: Three examples in the Region**

- **Case no. 1: United Arab Emirates to Sri Lanka**

  Forty-five Sri Lankans were rescued at sea by a Singaporean vessel after their ship sank on route to Australia. The migrants requested international protection and, when the ship docked in Dubai, they were placed under the care of the UAE Red Crescent. In coordination with the Sri Lankan consulate, interviews and nationality verifications were conducted and emergency travel documents were issued for 6 migrants who were not granted refugee status. The group of 6 migrants (including one unaccompanied migrant child) returned to Sri Lanka in February 2013.

- **Case No. 2 Papua New Guinea to Nepal**

  Nine Nepalese migrants were deceived into travelling to PNG with false promises of work in a plastics factory. They each paid close to USD 8000 for travel and counterfeit PNG visas. Immigration officials in Port Moresby identified their visas as fake; they were detained and referred to IOM. Two other migrants from Nepal were detained on the same day by immigration for allegedly having falsified documents supporting the purpose of their visit. All 11 migrants returned to Nepal under the AVRR project in April 2013.
• **Case No. 3: Philippines to Viet Nam**

A group of Vietnamese migrants working illegally in Tacloban City, Philippines as traders in the local market were left with nothing after Typhoon Haiyan struck the city. After a four-week journey to Manila, they received support from the Vietnamese Embassy and expat community before being referred to IOM for return assistance. The Vietnamese Embassy worked closely with the Philippines Bureau of Immigration to ensure that the migrants could exit the country legally. The group of 29 – including 7 families totaling 18 persons including 3 babies under the age of one and 1 child – returned to their home provinces in December 2013.

*Source: Dragan Aleksoski and Euan McDougall, Voluntary Return Support and Reintegration Assistance for Bali Process Member States, 15 December 2014, Bangkok*

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**B. Four Essential Principles of a Sound AVRR Policy**

The AVRR policy is based on the following four key principles:

1. **The Principle of State Sovereignty**

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.

Governments of countries of origin could facilitate the issuance of travel documentation; make use, in an irregular migration context, of their rights to contact and communicate with their nationals while the latter are being detained by the authorities in host countries; and agree to admit returnees and provide assurances that they will not be exposed to disproportionate/arbitrary punitive measures. In this regard, authorities should generally refrain from detaining returnees upon their arrival, and the treatment of returning migrants should conform to the norms of international human rights law.

On the other hand, the governments in host countries (destination/transit countries) could facilitate and promote voluntary return measures and support and ensure, that when voluntary return is not possible or viable, decisions on expulsion are made and implemented in strict conformity with the norms laid down in international refugee and human rights laws. Destination and transit government also could keep detention, which carries the risk of human rights violations, as a measure of last resort and if used, detention, and treatment during detention, should conform to the norms of international human rights law. They could also avoid the use of
force to secure removal in order to reduce the risk of human rights violations. In cases where force is used, it must be proportional to the goals pursued and conform to the relevant norms of international law.

2. **Human Rights of Migrants Must be Protected at All Times**

All migrants, whether regular or with irregular legal status, have human rights. Governments of countries of destination, transit and origin are under the 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.

The rights and principles relevant to countries of destination and transit are as follows:

- the right of migrants to return to their own country;
- the right of migrants not to be returned to a country where they would be persecuted, or tortured, or not have access to adequate protection;
- the right to seek asylum;
- the right to health and access to social and health-care services;
- the rights of the child in accordance with international human rights norms, in particular the Convention on the Rights of the Child, which include, inter alia, the “best interests” principle, the right to education and special protection for all children, including unaccompanied migrant children;
- protection against arbitrary detention;
- the obligations of countries to strive for non-discriminatory treatment on grounds, inter alia, of race, religion and gender;
- the right not to be expelled from a country, except pursuant to a decision reached in accordance with law (in cases where there are compelling reasons of national security); and to be allowed to submit reasons against expulsion and have the case reviewed by the competent authority.

The rights and principles relevant to countries of origin are, where applicable, all rights and principles outlined above for countries of transit and destination, in addition to the following:

- the obligation to accept (readmit) returning nationals.
- the United Nations Protocols concerning the smuggling of migrants and trafficking in persons enjoin States to facilitate and accept, without undue or unreasonable delay, the return of their nationals or permanent residents;
- the responsibility to allow their nationals to return in safety and with dignity without fear of harassment or discrimination;
- the right of migrants to fair and humane treatment on their return.
3. Migrant’s Decision to Return Must be Voluntary

Voluntary return is based on a decision freely taken by the individual encompassing two elements:

- freedom of choice, which is defined by the absence of any physical or psychological pressure; and
- an informed decision which requires the availability of enough accurate and objective information upon which to base the decision.

The concept of voluntary return therefore goes further than simply an absence of coercive measures. Potential returnees must be presented with as much information as possible about their country of origin.

Box 2: How do migrants make the decision to return?

- Prospect of deportation is the main reason for choosing to return voluntarily
- Security, employment, and location of family are most important considerations for returnees

Source: IOM Migrant Assistance Unit Regional Office for Asia and the Pacific (ROAP) Bali Process, AVRR Project team IOM Mission in Thailand

4. Return Must Be Sustainable

Most of the early assisted return programs merely offered basic support to facilitate return transportation arrangements. They have since evolved into more comprehensive programmes that have integrated a range of services in order to promote the sustainability of returns. For instance, since IOM developed the first AVR programme in Europe in 1979, the range of host countries where AVRR activities are implemented has grown steadily and beyond the limits of the EU (see Box 3 below). Though limited research has been conducted within this area but that sustainability is linked to the manner of return and the reintegration support (economic, social, and psychosocial) that is available.
Box 3: From AVR to AVRR: IOM’s Evolving Practice

IOM’s expansion of AVRR projects in different parts of the world reflect the fact that return migration has been increasingly incorporated into the migration management strategies of many governments and has gained prominence in international policymaking discourse. At the same time, an increasing number of governments agree that AVR becomes more sustainable if linked to individual reintegration assistance and possibly support to the communities of origin.

The majority of IOM’s AVR programmes now include at least some form of reintegration element, either through in-kind support or cash assistance provided to returnees upon their arrival in countries of origin. Reintegration is now an integral part of AVRR programmes; many initiatives not only support the reintegration of individual returnees, but also address concerns of the communities in countries of origin in facilitating effective and sustainable returns and support the broader community.

According to Koser and Kuschminder, return is sustainable if the “individual has reintegrated into the economic, social and cultural processes of the country of origin and feels that they are in an environment of safety and security upon return.” (Koser and Kuschminder, 2014)

Sustainable return also does not depend on the migrant remaining at home indefinitely. It could also mean s/he returns home to re-skill or migrate elsewhere with better or more sustainable opportunities.

Box 4: What determines sustainability of return?

✓ Time available to prepare for return and genuine interest in returning home
✓ Age and gender – economic and social adaptivity
✓ Socio-economic conditions before migration and family status
✓ Migration process including involvement of smugglers and outstanding debt
✓ Destination country experience – income/employment and legal status
✓ Expected level of acceptance by home community

Source: Migrant Assistance Unit Regional Office for Asia and the Pacific (ROAP) Bali Process AVR Project team IOM Mission in Thailand
III. THE AVRR PROCESS IN PRACTICE

To put in practice AVRR’s Four Essential Principles, governments have many options. It starts from a careful design of an AVRR Framework that suits local context and the implementation of standard operating procedures covering all stages of the migration cycle: pre-departure, departure/transit, and post arrival.

A. DESIGNING AN AVRR FRAMEWORK: FIVE STEPS

Figure 1: Designing an AVRR Framework: Five Key Steps

1) Assess 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 host countries, transit countries and countries of origin that investigates the different types of migrants and their vulnerabilities and needs, as well as their socio-demographic information.

2) Establish a coordinated network of stakeholders. A multi-stakeholder approach at both ends of the AVRR process is paramount to provide comprehensive AVRR assistance. It is critical to collaborate 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.

3) Identify the activities to be implemented and the services to be provided. Activities to be implemented under AVRR programs must be targeted to the right audience and offer the right type, amount and duration of services. The needs of vulnerable groups, such as third-country nationals with health problems, victims of trafficking, violence and trauma, unaccompanied migrant children, elderly, handicapped, etc., are very different and thus require a different,
tailored, approach in terms of outreach activities, counselling and type of return contributions provided.

Box 5 below highlights the different types of assistance (both cash and in-kind) that can be offered in an AVRR. Reintegration assistance depends not only on the available financial support, but also on the conditions and opportunities available in host and origin countries.

**Box 5: Types of reintegration assistance**

- Reintegration allowances/grants
- Information, counselling and referral services
- Small business development/income-generating activities:
  - Vocational training
  - Education support
  - Where necessary, housing and health assistance
  - Job placements/apprenticeships
  - Psychosocial support
  - Sociocultural activities
  - Building returnee networks
  - Community assistance such as local employment assistance schemes and the funding of local infrastructure such as schools and community centres.

*Source: “Reintegration — Effective approaches”, IOM, 2015*

In deciding on activities to be implemented, it is useful to consider the AVRR’s potential development impact. In order to fully maximize the benefits of return for development, the AVRR activities could be linked to existing migration-for-development initiatives, helping enhance the development potential of the returnee and 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;

4) Establish Roles and Responsibilities of Partners. A critical next step is to reach 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. 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 experience of many countries suggests that the importance of elaborating standard operating procedures and/or memorandums of understanding to identify roles and strategies and strengthen cooperation.
5) Create a Monitoring and Evaluating System (M&E). The monitoring and evaluation activities should be identified in dialogue with governments in host countries and countries of origin to ensure the most efficient and mutually beneficial manner of carrying out monitoring and evaluation for all involved. Box 6 below highlights possible indicators and criteria for evaluation including 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.

**Box 6: Defining Success in AVRR?**

There are many possible indicators and criteria for evaluating AVRR programs, three most common types are highlighted below:

a) **Numerical criteria**

Absolute numbers: How many have actually returned?
Relative numbers: Hoe many have returned compared to the total population from which the returnees are drawn?
Application rates: How many have applied compared to the total population from which the returnees are drawn?
Acceptance rates: How many have been accepted compared to those who have applied?

b) **Cost-related criteria**

Direct costs: The amount of money spent per returnee compared to the budget allocated to program management and administration of return.
Indirect costs: A range of indirect measurements of the cost-effectiveness of return, such as how AVRR offsets the cost of upkeep of returnees in host countries

c) **Community of origin-related criteria**

The impact of return through AVRR on local development can be observed in many ways including the creation of jobs through the start-up of small businesses, the use of integration assistance to send children to school or provide training in trades and the transfer of new skills returning migrants acquired.

Although these indicators are useful in determining success, IOM experience suggests that AVRR is successful when it is voluntary and sustainable, and when it respects the sovereignty of states and the human rights of migrants. In measuring success, it is also important to prioritize the satisfaction levels of beneficiaries. If returnees were satisfied with services and provision therein during the AVRR process, this would be a particularly useful measure of success of the programme.
B. IMPLEMENTING AN AVRR FRAMEWORK

After designing the AVRR framework, the next step is implementation. An AVRR program typically follows three stages: pre-departure, transportation and post-arrival.

IMPLEMENTING AN AVRR FRAMEWORK: THREE STAGES

1. Pre-departure stage
   1.1 Develop outreach activities and disseminate information on AVRR
   1.2 Assess eligibility of the migrant
   1.3 Ensure return is voluntary and feasible
   1.4 Provide return information and counseling
   1.5 Provide enhanced measures to vulnerable migrants
   1.6 Arrange a medical examination and pre-embarkation checks

2. Transportation stage
   2.1 Send arrival information to partners as early as possible
   2.2 Organize travel logistics
   2.3 Provide escorts as needed

3. Post-arrival Stage
   3.1 Provide Reception Assistance
   3.2 Provide Reintegration assistance
   3.3 Provide return counseling
   3.4 Undertake Monitoring and Evaluation

STAGE 1: PRE-DEPARTURE STAGE

Step 1: Develop outreach activities and disseminate information on AVRR. In many regions, word of mouth is an important tool for improving outreach. Policy measures must be presented as clearly as possible, to avoid any misunderstandings and misinformation by (potential) beneficiaries. Information sheets, posters, websites, DVDs, videos and other communication materials could be developed in the returnees’ native language for use in outreach and initial counseling activities. Whenever possible, targeted migrant communities and returning country embassies are involved in the creation of such information materials, to ensure that messages are culturally sensitive and correctly understood by the intended audience.
Step 2: Assess 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 there should be eligibility criteria based on migrant characteristics (e.g. unaccompanied minors, etc.) 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 ideally be designed by partners at origin and destination, in line with international human rights standards.

Step 3: Ensure return is voluntary and feasible. 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. 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. This form should not include a statement committing the beneficiary to remain in his or her country of origin.

Step 4: Provide return information and counseling. It is important to ensure that migrants fully understand the socio-economic and political situation in the home country before deciding to return. A reintegration plan should also be initiated at this stage, though it is important to allow flexibility and room for change upon return. It is also important to clarify all entitlements and expected processing times to reduce criticism among returnees.

Step 5: Provide enhanced measures to vulnerable migrants. Very often migrants come in contact with an AVRR framework after a long and traumatic process affecting their mental and psychosocial well-being. An AVRR framework should provide comprehensive assistance to protect the migrant awaiting return including risk assessment, 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.

Step 6: Arrange 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 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. The verification of the migrant’s capability to make a competent decision and the identification of health-related needs that will need to be addressed after return to facilitate reintegration, is typically carried out by non-medical staff in charge of the counseling process. Certain countries or regions have medical units/structures that allow for systematically examining returnees, but this not a mandatory requirement under AVRR.

Medical examination by a doctor is usually done when there are known medical conditions that returnees share with IOM during the counselling process. In these cases, specific procedures for AVRR of medical cases apply.
**STAGE 2. TRANSPORTATION STAGE**

At this stage, it is important to ensure that the receiving agency/organization is ready for reception and any onward travel assistance

**Step 1: Send arrival information to partners as early as possible.** The return of any migrant should be coordinated with the receiving partner well in advance. IOM experience has shown that sending arrival information at least one week in advance allows the receiving partner sufficient time to make necessary preparations.

**Step 2: 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.

**Step 3: Provide escorts as needed.** An escort should be used when a migrant is particularly vulnerable and needs accompaniment during travel, for instance, a minor or elderly. 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

**STAGE 3: POST-ARRIVAL STAGE**

**Step 1: Provide Reception Assistance.** 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.

**Stage 2: Provide reintegration counseling.** In IOM-managed AVRR programs, 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. Particularly vulnerable migrants may also need psychosocial counseling and more support than others due to traumatic experiences during the migration process.

**Step 3: Provide 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.
Box 7 below outlines the services the program *Voluntary Return Support and Reintegration Assistance for Bali Process Member States* provides to returnees at each stage of the AVRR program.

**Box. 7: Voluntary Return Support and Reintegration Assistance for Bali Process Member States: Services at Three Stages**

**PRE-DEPARTURE ASSISTANCE**

- **Pre-departure interview:** IOM provides general counselling on the AVRR process and services. The applicant is informed by IOM that he/she can withdraw from the AVRR programme at any stage prior to departure and also be made aware of the reintegration grant that they are entitled to, based on their country of origin. At the end of the interview the applicant will have to confirm her/his intent to benefit.

- **Access to personalized counselling:** In case a migrant is interested in further counselling on matters such as the situation in the country of origin, livelihood strategy, etc., IOM organizes an individual counselling session with the migrant in the presence of an on-call interpreter. In case a migrant has unresolved questions or doubts regarding the political/security situation in their country of origin, IOM will refer the case to UNHCR to advise the individual in this regard.

- **Pre-departure medical check-up:** Prior to departure, a fitness to travel assessment is carried out. If the participant requires follow up for certain health conditions that prevent from safely travelling home, they will be referred to appropriate health care providers until their general health conditions allows for their return home.

**TRANSPORTATION ASSISTANCE**

- **Travel documents:** IOM works with consulates and national authorities to ensure that the participant is in possession of valid travel documentation at the time of departure. IOM arranges for any transit visa where required. If an applicant has a valid passport, IOM uses their travel document for the movement. IOM Mission in the host country will not contact the Embassy concerned, unless it is deemed necessary for reasons that may affect the applicant’s travel. If an applicant has no valid passport, IOM requests the Embassy concerned to issue a travel document, e.g. Laissez Passer. When the respective Embassy issues a travel document, IOM proceeds with the planning of the AVRR movement.
• **Travel arrangements**: All travel arrangements made for AVRR beneficiaries is made using the most direct routing that involves the least amount of transits. The IOM Mission in the sending country makes a travel booking for the migrant having confirmed with the receiving country their availability to assist.

• **Escort**: IOM Mission in host country provides departure assistance at the airport. Where possible, the migrant is escorted through the immigration by IOM staff and is accompanied to the departure gate and a departure notification is issued once the person has departed. Escort can be envisaged based on a case-by-case basis, on social or medical grounds. Escorts can be assigned for example to accompany a large group of participants or a large family travelling together, a person with physical disabilities needing assistance, or an Unaccompanied Migrant Children. On the basis of IOM experience in other AVRR programmes, it is estimated that 20 percent of the beneficiaries are escorted to the country of return. IOM escort is responsible to:

  ✓ To know how many beneficiaries he/she will have to escort and make himself/herself familiar with the group. The escort should be made aware of specific issues concerning the assistance and make necessary preparations.
  ✓ To meet the migrants and assist them when needed.
  ✓ To introduce him/herself to cabin crew.
  ✓ To advise the returnee/s of the travel itinerary.
  ✓ When in transit, to look after the individual or group and make sure they enter the boarding gate for their on-going travel.
  ✓ Upon arrival at the point of destination, to hand over all the documents and provide all relevant information and advice, and inform the migrants of the process.

✓ After completion of the movement, to make a report which should include: names, date, time, ports of departure and arrival, incidents, challenges and possible solution

• **Transit**: Where returnees must transit a third country during their return journey, IOM seeks the assistance of their local or nearest Mission to facilitate the smooth transit of returnees.

**POST ARRIVAL ASSISTANCE**

Post arrival assistance is also usually provided in countries where IOM has a presence. The IOM mission is responsible for providing the following services:
- **Reception:** The IOM staff receives the migrant/s at the arrival gate (where possible). The IOM staff escorts the migrant through the immigration and up to the point of domestic transportation. Arrival confirmation is sent officially by IOM Mission in the country of origin to the IOM Mission in host and/or transit country.

- **Access to personalised counselling:** IOM mission provides the migrant with post-arrival assistance in the form of post-arrival information, counselling and referral services, reintegration cash grants. IOM mission organises adequate support and follow up for participants with special assistance needs (medical conditions, UAM, VOT, etc.) as required. IOM mission also carries out post arrival follow up, where possible to assess the effectiveness of the AVRR project. Asylum seekers and refugees receive post-arrival protection monitoring and reintegration assistance in accordance with UNHCR established principles and procedures, to ensure that they are not subject to protection risks upon return to their countries of origin and that they can access reintegration services. Protection concerns can relate to the security and/or reintegration prospects of returnees, particularly where the overall situation in the country or the circumstances for specific individuals and groups remains fragile.

- **Access to reintegration assistance:** As a beneficiary to the AVRR pilot project, the beneficiary is also entitled to reintegration assistance in the form of a cash grant. The amount of the reintegration support to be provided depend on the cost of living and the economic situation in the home country (availability of income generating activity) as well as other factors and range from 200 USD to USD 1,500.per person depending of the country of origin. Wherever possible, the reintegration grants will be delivered to the participant in the country of origin upon arrival.


### IV. TAILORED ASSISTANCE FOR VULNERABLE MIGRANTS

IOM’s AVRR experience has shown that there are an increasing number of vulnerable migrants, particularly migrants with specific health needs, victims of trafficking and unaccompanied migrant children. Due to the specific vulnerabilities of these migrants, assistance must be tailored to meet their specific needs, as well as ensure their successful and sustainable reintegration. When dealing with these groups, decisions regarding return and reintegration should be taken on an ad hoc, case-by-case basis with due consideration given to the individual’s needs, vulnerabilities and rights.
1. Migrants with Significant Medical Conditions (SMC).

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:

✔ mental conditions that may affect an individual’s capacity to make a competent decision, thus affecting the voluntariness to return;

✔ communicable diseases of public health concern that may affect travel;

✔ rapidly deteriorating or unstable health conditions; and

✔ chronic health conditions in need of specialized treatment.

The health aspect of AVRR should be fully integrated into AVRR frameworks, and include a health assessment to ensure the migrant can return 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, including NGOs, civil society, and healthcare programmes and facilities.

2. Migrants that are Victims of Trafficking (VoT)

Risk assessment should be an integral part of AVRR assistance for this category of vulnerable migrants. Correctly identifying a VoT is of extreme importance in an AVRR program (see Bali Process, Bali Process Policy Guide on Identifying Victims of Human Trafficking, 2015). In many destination countries, trafficking victims may not be identified. Consequently, VoTs can end up deported or detained, or may also return independently with their specific needs and vulnerabilities remaining unmet. Victims of trafficking remain at risk of re-trafficking. For example, VoTs who return home may be more vulnerable to re-trafficking where there are economic and social difficulties in the country of origin, particularly in cases where formerly trafficked persons are members of ethnic minority groups and, as a result, are subject to discrimination in the country of origin; where there are significant gender inequalities in the country of origin; where VoTs originate from countries where conflicts are ongoing or recent; or where trafficked persons are also refugees or displaced persons.

As Box 8 below shows: A key challenge is assessing the risks, both general and specific, for the VoT.

Box 8: Considerations when assessing risk

**General Risks:**

- Extent and impact of trafficking in the country
- Estimated capacity of criminal groups to reprisals against victims
- Capacity of local law enforcement agencies
- Level of government commitment and support to combat trafficking in persons
Specific Risks:

- Special physical or psychological needs - creating risks during travel, reception, reintegration?
- The trafficker knows the beneficiary’s address in country of origin?

Assume ‘High Risk’ if:

- The victim cooperated with law enforcement
- The trafficker knows that the beneficiary intends to cooperate with law enforcement

*Source: Hart, 2014*

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. 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;
- 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
- conduct a reintegration needs assessment to assess and help prepare a re-integration 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 UNHCR or relevant national asylum systems if suspected having a well-founded fear of persecution in their home country.

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.
Destination countries should also consider complementary humanitarian or other immigration options including the granting of temporary or permanent residence – when return is not possible.

3. Unaccompanied Migrant Children

Unaccompanied migrant children are persons under the age of 18 who arrive in a third country, or areas outside their habitual residence, unaccompanied or separated from both parents and other adults who are by law or custom their primary caretakers. The principle of the “best interests of the child” should always be the primary consideration during the whole AVRR process. 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, including, for example, the principle of non-refoulement. Best Interests Determination (BID) should be conducted by child protection actors, rather than immigration authorities, in order to avoid any perceptions of conflicting interest. The return will only be arranged, therefore, if it is in the best interests of the child.

The BID puts the following into consideration:

- 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;
- Availability of care arrangements for that particular child;
- Views of the child expressed in exercise of his or her right to do so under Article 12 of the UN Convention on the Rights of the Child (CRC) and those of the guardians;
- The child’s level of integration in the host country and the duration of absence from the home country;
- The child’s right to “preserve his or her identity, including nationality, name and family relations” as in Article 8 of the CRC;
- 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).

4. Elderly migrants

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 when assisting the elderly:

- The capacity to make a competent decision may be compromised and should be investigated thoroughly
- A full medical examination is recommended even if there are no immediate signs of health problems
- 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.
- Return and reintegration assistance should be adapted to suit the needs of the migrant including the option of allocating it to family members.
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.

V. CONCLUSION

To be most effective, AVRR is best seen as an integral part of a comprehensive package of measures that gives migrants and governments alike the widest range of tools possible. Within the framework of migration management, AVRR programmes continue to offer tremendous potential to facilitate safe and dignified return, and benefits for migrants and governments. This notwithstanding, policymakers interested in utilizing this tool must see it as complementary, and not a single, solution to current migration challenges. Realizing the benefits of an AVRR program therefore depends on adopting policies that create an environment conducive for voluntary return and secure the meaningful participation of all stakeholders. Participants to the Capacity Building Workshop on Assisted Voluntary Return and Reintegration (AVRR) for Bali Process Member States held in Thailand in December 2014 put forward the following recommendations on advancing AVRR among Bali Process member states:

- Facilitating the harmonization and updating of immigration processes and legal frameworks related to return to improve understanding of AVRR and reduce stigma faced by returnees.
- Further sensitizing officials and the public to the phenomenon of AVRR and project activities.
- Improving collaboration and coordination between relevant ministries and nations through formalized agreements and mechanisms such as an interagency committee on AVRR.
- Considering on a case-by-case basis the needs and vulnerabilities of certain groups of migrants and providing support accordingly, for example by waiving deportation stamps and overstay fines where appropriate.
- Promoting increased bilateral cooperation on AVRR through exchange visits and exchange of experiences and good practices.
- Developing and promoting further capacity building activities at national and regional levels.
- Identifying AVRR focal points to simplify communication processes between states.
- Developing programmes which address systemic issues leading to irregular migration such as community development and lack of employment or education opportunities.
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