

Bali Process Ad Hoc Group Roundtable on Returns and Reintegration Manila, 3-4 December, 2015

Co-Chairs' Summary

1. Australia and the International Organization for Migration (IOM) co-chaired a Bali Process Ad Hoc Group *Roundtable on Returns and Reintegration* in Manila on 3-4 December, 2015. The roundtable was attended by delegates from Australia, Bangladesh, Canada, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, the Philippines, Thailand, United Arab Emirates (UAE), Sri Lanka, Vietnam, IOM, UNHCR, UNODC and the Regional Support Office (RSO). The UK and the Netherlands also attended to share European experiences with return and reintegration issues.
2. IOM and UNHCR highlighted that the world is facing unprecedented levels of mobility and displacement. There are currently 237 million international migrants on the move, a 36 per cent increase from 1990. Migration patterns are characterised by increased rates of urbanisation, growing numbers of women migrants and increased South-South migration. UNHCR noted that many of those moving irregularly will have protection needs. There are currently 59.5 million forcibly displaced persons globally - the highest figure on record. UNHCR reinforced that *non-refoulement* is the cornerstone principle guiding the treatment of asylum seekers and refugees. Repatriation of refugees should always be voluntary and should take place in conditions of safety and dignity.
3. Mechanisms for the return of unsuccessful asylum seekers and other categories of irregular migrants with no lawful basis to remain in a transit or destination country were acknowledged as being an indispensable component of migration management. UNHCR noted that return of persons found not to be owed international protection was important to the integrity and efficiency of the asylum system. As migration has become more complex, IOM noted there was a need for more cooperative approaches to return, that take into account the roles and perspectives of countries of origin, transit and destination.
4. Voluntary return of migrants was acknowledged as the preferred option for returnees, host governments and governments of origin. Voluntary returns are more dignified and humane and are less costly to undertake. States use a variety of strategies to encourage voluntary departure including financial packages, travel assistance and reduction in travel bans. Some source countries expressed concern about sending states imposing undue pressure to return on prospective returnees, which they said could undermine prospects for successful reintegration. In this regard, IOM reinforced the need to address migrants' apprehensions about return. The importance of clear communication with prospective returnees was highlighted.
5. While voluntary return is preferred, the meeting acknowledged the need for forced returns as part of a comprehensive and balanced approach to migration management. UNHCR noted that forced returns may be a necessary option for unsuccessful asylum seekers, provided that they have access to due process, including fair and effective asylum procedures, and provided that returns are effected in a humane manner. Participants described voluntary and forced returns as being part of one continuum. The presence of a visible, functioning system of forced returns can often encourage voluntary departure as a preferred alternative.

6. Participants considered some of the obstacles to return, including the challenges of verifying identity. A joint presentation by Thailand and Bangladesh highlighted the importance of effective consular access and national identity registration systems in expediting returns processes. Malaysia and the UK made note of their biometric data systems which are used to manage the entry and movement of foreign nationals in their countries. The meeting also heard about a new RSO project that will assist Bali Process member states address gaps in their civil registration and vital statistics systems. It was noted that registering and documenting individuals are often a requisite for states to accept return. These processes can also assist individuals to reintegrate, through recognition of citizenship and associated entitlements.
7. The meeting considered the impact of legal and administrative penalties on the return process. Some states impose fines on migrants who overstay or otherwise violate the terms of their visas. Migrants may also be subject to detention. While some states view penalties as an important law enforcement and border management tool, others questioned whether a fine regime results in improved compliance with stay conditions. Some participants also expressed concern about the disproportionate impact of penalties on vulnerable persons. IOM recalled that an AVR (Assisted Voluntary Return) Capacity Building workshop held in December 2014 recommended that states consider waiving overstay fines and deportation stamps for vulnerable groups.
8. The meeting reinforced the importance of reintegration assistance in enhancing the sustainability of return - a shared interest for countries of origin, transit and destination, as well as migrants themselves. IOM noted that reintegration assistance should be balanced, complementary, measurable and innovative. It noted the value of linking reintegration assistance to national development plans and of engaging the private sector, including as a potential employment provider for returnees. Participants considered the different advantages associated with individualised versus community-based reintegration assistance. Individually tailored assistance can be more effective in encouraging return and addressing immediate needs of returnees. Targeting communities of return, through longer term development assistance, can help address underlying push factors for irregular migration; however, this may only be practicable when a large number of migrants are returning to the same location.
9. Participants highlighted the need for tailored return and reintegration assistance to meet the needs of vulnerable groups. IOM noted that assistance should be aimed at empowering the migrant, enhancing their self-sufficiency and ensuring a continuum of care. For victims of trafficking, return should be voluntary and based on informed consent. The importance of identifying, assessing and managing risks at every stage of the return and reintegration process was also highlighted. Several countries highlighted the value of national coordination and referral procedures in this regard. Participants further noted that return of unaccompanied minors should be guided by a 'best interest of the child' determination. The needs of persons with serious medical conditions must also be taken into account. Identifying persons with mental health needs was noted by participants as being a particular challenge.
10. Participants acknowledged the benefits of readmission agreements in facilitating a more structured and efficient approach to returns. Readmission agreements can be used to cover a number of different returns contexts. IOM noted that there was some

regional precedent for developing bilateral agreements on repatriation of victims of trafficking. The Sri Lanka-Australia Memorandum of Understanding on returns was highlighted as an example of a bilateral instrument to facilitate return of unsuccessful asylum seekers. Sri Lanka also gave an overview of its readmission agreements with European Union member states, which provide for the return of Sri Lankan citizens and third country nationals. Agreements are helpful in clarifying the type of evidence required to establish nationality, as well as cost-sharing arrangements and procedures for readmission. It was noted that returns agreements are of most value when they are practically-focused and when countries commit to the same or greater level of cooperation as that already undertaken by their operational agencies. They should ideally be flexible enough to cater for changing circumstances but sufficiently detailed to provide clarity on returns procedures.

11. The meeting considered models of regional cooperation on return and reintegration issues. The Canadian-funded IOM assistance to Sri Lankans in West Africa was highlighted as a useful model for delivering AVR in transit countries. The Netherlands also gave an overview of the European Reintegration Network (ERIN), a joint EU project using common service providers to deliver reintegration assistance in third countries. The project achieves cost efficiencies by pooling procurement, monitoring and other activities. It also facilitates sharing of best practices and provides a framework for more harmonised return and reintegration packages. The meeting also heard a presentation on the Assisted Voluntary Return and Reintegration (AVRR) Project funded by Australia, and implemented by IOM under the auspices of the RSO. It provides a regional mechanism for the voluntary return of irregular migrants located in a Bali Process member state and for whom no other mechanism exists to facilitate their return. The project is also building the capacity of member states to implement their own national AVR programs.
12. Building on themes raised during the roundtable, delegates identified a number of options for further work under the Bali Process including:
 - Use of the Bali Process secure members' portal of the website to share information about countries' returns policies and legislation;
 - Establishment of a technical experts group to explore best practices with respect to reintegration or other themes of concern to Bali Process members;
 - Development of model readmission agreement for use by member states;
 - Assistance in developing migration profiles, to help countries establish a more accurate baseline of national migration-related trends;
 - Exploring possibilities of strategically targeting reintegration assistance, by building a regional knowledge base of areas that generate irregular migration;
 - Closer cooperation between host countries and countries of return to provide information to prospective returnees, including through use of skype calls;
 - Exploring options for inter-regional exchange of information on returns and reintegration issues.
13. The Co-Chairs noted that recommendations for follow-up work would be reflected in an updated Bali Process Strategy for consideration at the 10th Ad Hoc Group Senior Officials' meeting. It would also inform priorities for the Sixth Bali Process Ministerial Conference. The Co-Chairs expressed their appreciation to the Government of the Philippines for their generous hospitality in hosting the meeting.