

**Bali-Budapest Working Group on Return
Perth Australia – 13-14 May 2004**

Chair's Summary

The Bali-Budapest Workshop on Return of Unlawful Migrants was convened in Perth, Australia on 13-14 May 2004. The Workshop was a joint activity of the Bali Process and the Budapest Process, and was organised and hosted by the Government of Australia.

The Workshop was attended by 70 delegates representing the governments of Afghanistan, Australia, Bangladesh, Brunei Darussalam, Canada, Cambodia, People's Republic of China, Czech Republic, Fiji, Indonesia, Japan, Jordan, Republic of Korea, Lao PDR, Lithuania, Malaysia, Mongolia, Nepal, New Zealand, Palau, Philippines, Samoa, Solomon Islands, Sri Lanka, Thailand, Timor Leste, Turkey, United Kingdom, United States of America, the Socialist Republic of Vietnam and Vanuatu. The Inter-Governmental Consultations on Refugees, Displaced Persons and Migrants (APC), the Budapest Process, International Centre for Migration Policy Development (ICMPD), International Organization for Migration (IOM), and UNHCR also participated. The list of participants is at Attachment A.

The Workshop was chaired and opened by Australia. The Chair welcomed delegates, noting the high level of interest in participation in this Workshop. Introductory statements were made to the Workshop by Australia, as Co-Chair, on the Bali Process, and by the representatives from the Czech Republic and ICMPD on the Budapest Process.

Australia, New Zealand (Coordinator of Bali Process Ad Hoc Experts' Group I) and IOM (the international organization most involved in the return process) assisted the Chair as Moderators during case study presentations and drafting sessions.

Consistent with the Co-Chairs' Statement from the 2nd Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime and the Action Plan of AHEG1, the Workshop adopted the following objectives:

- Highlight the importance of returns in maintaining the integrity of migration and protection systems;
- Share information on practical experiences in undertaking returns;
- Develop working documents, to be posted on the Bali Process website, that will assist governments to develop and implement return arrangements and, if necessary, draft return agreements; and
- Facilitate inter-regional dialogue.

On the first day, representatives of Bali Process and Budapest Process governments presented a range of case studies. Questions and general discussion followed each presentation. Participants noted that this was a timely and important workshop.

The topics of the presentations were:

- Illegal immigration and Turkey's approach to this phenomenon;
- Readmission mechanism – Hong Kong's perspective;
- Return policy and practice : Lithuania's experience;
- Illegal migrants in Indonesia : the issue of returns;
- Return Policy of the Czech Republic – Case Study Presentation;
- Return of illegal immigrants and cooperation with neighbouring countries; experiences of Thailand; and
- Sri Lanka's experience in returning irregular migrants, including the procedures introduced to integrate irregular migrants, the key problems Sri Lanka faces, and the need for international cooperation.

Some participants noted that they had experiences in undertaking returns that were very similar to those presented, whereas others noted that their circumstances differed considerably. Each example had instructive value to most participants.

A number of participants noted that it was the responsibility of States to accept the return of their own citizens and recognised the importance of bilateral cooperation in achieving returns. During general discussion following presentations, workshop participants noted several key issues, such as verification of identity, including where there was no cooperation from the returnee; incentives to voluntary return; use of alternative travel documents; medical issues; transit arrangements; and sustainability of return.

Participants identified a number of areas where return could be facilitated or expedited through bilateral cooperative arrangements or agreements. Some participants noted that informal arrangements were effective in achieving returns if there was trust, political goodwill and cooperation between the relevant States. Several participants made the point that cooperation on return could usefully be incorporated into broader agreements between countries, such as those on addressing people smuggling or people trafficking or covering temporary legal labour movements.

The Workshop formed three sub-groups based broadly on 'identification', 'return' and 'reintegration' stages of the return process to draft working documents. The sub-groups exchanged practical experiences. They drafted a checklist of issues to be addressed in the return process (Attachment B) and commenced a compilation of draft paragraphs that governments could draw on in developing their own bilateral return agreements (Attachment C).

In the final (plenary) session of the Workshop, sub-group Moderators reported on their group's working documents. The Workshop noted the value of the practically oriented discussions and agreed that the working documents constituted a valuable resource that could be used by governments in preparing to negotiate bilateral arrangements and in undertaking return operations.

Participants noted the value of inter-regional dialogue and cooperation and expressed the view that further similar activities would be useful. In this context, the

ICMPD, on behalf of the Chair of the Budapest Process, extended an invitation to a representative of the Bali Process to attend the Budapest Process Senior Officials' Meeting to be held at St Petersburg in early July.

Workshop participants adopted the following recommendations.

- Regional forums to facilitate inter-regional activities, including on return matters.
- Governments and international organisations to contribute appropriate material to the Returns Project repository of return documentation.
- Governments to identify and contribute paragraphs for the compilation of draft paragraphs that governments could draw on in developing their own bilateral return agreements.
- The Bali Process Returns Project to further develop the workshop's working documents into a 'practical handbook for return of unlawful migrants'.

There was widespread appreciation for the hospitality of the Government of the Australia in hosting the Workshop, the guidance provided to the meeting by the Moderators and the assistance provided by the Workshop Secretariat.

Australia (Chair)
Bali-Budapest Returns Workshop
Perth, Australia
14 May 2004