

GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

Third Informal Thematic Session

“International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration”

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PANEL 3: International cooperation and governance of migration on return, readmission, integration and reintegration

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Nine points and a conclusion for a safe, orderly and regular governance of return, readmission, integration and reintegration

FIRST, THE MORAL BOTTOM-LINE... (IN RELATION TO DETENTION LEADING TO RETURN)

- 1) **Equal treatment.** Beyond the principle of *non-refoulement*, always referred to as a mantra in this respect, citizens of other States detained because of irregular stay in a country should have the same rights that nationals in every respect, including judiciary recourse before eventual expulsion. This is a moral bottom-line in this field, and unfortunately it is not being respected in many countries. The same should apply to countries of origin where the migrant is returned to. This principle of equal treatment should be enshrined in the Global Compact on Migration.

...AND A MORAL HAZARD (IN RELATION TO INCENTIVES TO RETURN)

- 2) **Incentives to voluntary return** should be designed in a way that a) do not encourage further irregular migration aiming to benefit from the return and reintegration programmes, b) do not give the returnees an “excessive” privilege in relation to other members of the community of origin (“do no harm” principle). The risk of induced distortions in the structure of incentives is clear in the current context, in particular in recent “along the route” voluntary return programmes.

EVIDENCE IN RELATION TO (RE)INTEGRATION: FEW GOOD PRACTICES....

- 3) **Examples of good/successful practice in the field of (re)integration support** are scarce. Most of the programmes do not reach their objectives of supporting the returned migrants to integrate back into its community/country of origin and secure a sustainable livelihood in it¹. This calls for two considerations:
 - a) (Re)integration in the country of origin is often easier in a different community (with more economic opportunities) than in the community of origin of the returned migrant. The preferences of the returnee should be decisive in this respect.
 - b) We might have to end up acknowledging that (re)integration of returned migrants in a context where the conditions that led them to migrate have not changed is not feasible in most of the cases. “Reintegration” programmes could then be seen as an incentive to return and a welfare benefit rather than an economic integration programme.

¹ See, in relation to West Africa, Swiss Development Cooperation (2016), Scoping Study of the Safe Migration Routes project, *Improved Information, Protection and Integration of Vulnerable Migrants along West and North African Migration Routes*.

...BUT SOME FINDINGS STAND OUT IN EVALUATIONS OF PRACTICE SO FAR....

- 4) **(Re)integration starts in the country of return.** An orderly, safe and rights-based return contributes to a successful (re)integration in the country of origin. Developing the migrant's skills in the country of stay before return (through short-term vocational education and training programmes for instance) can contribute to making the return less traumatic and (re)integration more successful.
- 5) **Mainstreaming of reintegration programmes and alignment with national development policies.** Reintegration programmes should be mainstreamed into the country of origin institutions (public employment services, VET systems, entrepreneurship promotion, social assistance agencies...) and not create "parallel circuits" of international organizations or NGOs to channel and implement international cooperation funds, in particular in weak States. In this way (re)integration programmes can also contribute to strengthen national institutions and development policies.
- 6) Whereas readmission is often managed by national authorities and reintegration programmes are mostly implemented by international organizations and NGOs, **local and regional authorities can and should play a key role.** In particular, reintegration programmes should be aligned with and linked to local and regional development programmes and investment plans, and might even directly contribute to its implementation. This link should be stated in the Global Compact on Migration.
- 7) **Systematic information on international (re)integration projects should be generated and made public to make possible an objective evaluation and improve effectiveness.** As highlighted in the study ["Migrant Support Measures from an Employment and Skills Perspective \(MISMES\). Global Inventory with a Focus on Countries of Origin"](#), information collected and provided on budget, activities, number of beneficiaries and impact of international cooperation projects funding reintegration of returned migrants, often implemented by UN agencies, is fragmentary and does not allow for an objective, independent evaluation of those programmes. International donors have a particular responsibility in this regard, and a basic set of information to be published in relation to any international cooperation project in this field should be defined and agreed upon.

...AND INTERNATIONAL GOVERNANCE OF RETURN AND REINTEGRATION REQUIRES AN INTEGRATED APPROACH AND INTERNATIONAL INSTRUMENTS

- 8) **Return and readmission should not be dealt with in isolation** of other migration governance issues and in the framework of ad-hoc institutional setting involving only security agencies (such as Ministries of Interior), as is often the case. It should be part of a wider package including legal migration, mobility, migration and development and other aspects of migration. In this respect, the Global Compact is an appropriate framework to adopt a simple normative framework in this regard.
- 9) **Return and readmission cooperation is often dealt with exclusively at bilateral level between country of return and country of origin, and often treated mainly as a security issue and with lack of transparency.** The Global Compact on Migration offers a unique opportunity to multilateralize it, defining a core set of standard practices to protect the weak part of the return and readmission procedures: the migrant. This should not be done

exclusively through “guiding principles”, as can at best be expected from Regional Consultation Processes on migration, but through (eventually voluntary in a first stage) binding commitments and international protection instruments to be integrated into existing readmission agreements.

AS A CONCLUSION, IN RELATION TO RETURN, READMISSION AND REINTEGRATION, A GLOBAL COMPACT SHOULD BE GLOBAL, NOT REGIONAL, AND INCLUDE BINDING COMMITMENTS

In this field, there is a risk that UN Member States endeavor to address migration challenges of the future (in particular in the field of return, readmission and reintegration) with tools of the past. Regional Consultative Processes on migration have played an important role as information exchange and consensus-building fora, and should continue to do so, but they have clearly not contributed to make return and readmission happen in an effective way. Bilateral readmission agreements are difficult to negotiate and sign and even more difficult to implement, as experience shows, and they reflect the balance of power between the partners rather than a mutual commitment to standard procedures on return and readmission. And as for Assisted Voluntary Return and Reintegration programmes, IOM merits a lot of credit for having put in place already more than 40 years ago a standard instrument for conducting return and readmission in an orderly manner; however, as mentioned above in most cases the reintegration dimension is not producing the pursued objectives (see points 3, 5 and 7), and the cost make it prohibitive for the scale of return destination countries consider necessary (the cheapest South-South AVRR programmes cost around €1.500 per returnee, of which roughly a third for the reintegration component). So the **Global Compact on Migration can be the framework to develop a multilateral return and readmission instrument** to which countries of origin and countries of destination could subscribe voluntarily, but which would have binding effects for all return and readmission operations of subscribing countries, combining at least three elements:

- A guarantee of an effective return and readmission for those duly identified migrants without the right to stay in the country of destination and having exhausted all the instances of recourse;
- A full protection of the human rights of returned migrants along the lines proposed by the UN Special Rapporteur on the human rights of migrants² (see also point 1 above).
- A facility to fund local and regional development programmes in areas of origin of returned migrants (see point 6 above). This facility would ensure the appropriate incentives for countries of origin to engage in readmission procedures in an effective way, ensuring a balance of interests in this field. It might be part of the Financing Facility for Migration proposed in the Sutherland Report.

² See points 100-104 of the Report of the Special Rapporteur on the human rights of migrants to the General Assembly, A/71/285, of August 2016, www.un.org/ga/search/view_doc.asp?symbol=A/71/285.