

Refugee Protection and Mixed Migration:

The 10-Point Plan in action

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Acronyms and Abbreviations

1951 Refugee Convention	Convention relating to the Status of Refugees, 1951
1967 Protocol	Protocol to the Convention relating to the Status of Refugees, 1967
ACCORD	Austrian Centre for Country-of-Origin and Asylum Research and Documentation
APC	Inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants
ASEAN	Association of Southeast Asian Nations
BOMCA	European Union Border Management Programme for Central Asia
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CARIM	Euro-Mediterranean Consortium for Applied Research on International Migration
CDCC	Caribbean Development and Cooperation Committee
CEAS	Common European Asylum System
COI	Country of Origin Information
CSFM	Centre for the Study of Forced Migration
DHS	Department of Homeland Security
DRC	Danish Refugee Council
EC	European Commission
ECLAC	Economic Commission for Latin America and the Caribbean
ECOWAS	Economic Community of West African States
ENARO	European Network of Asylum Reception Organizations
EU	European Union
EUROPOL	European Police Office
FAO	Food and Agriculture Organization
FRONTEX	European Border Agency
HHC	Hungarian Helsinki Committee
HRIT	Heightened Risk Identification Tool
IARLJ	International Association of Refugee Law Judges
IASC	Inter-Agency Standing Committee
ICMC	International Catholic Migration Commission
ICMPD	International Centre for Migration Policy Development
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
ILO	International Labour Organization

INTERPOL	International Police Organization
IOM	International Organization for Migration
IOPCR	International Organization for Peace, Care and Relief
IRB	Immigration and Refugee Board of Canada
MoU	Memorandum of Understanding
MPI	Migration Policy Institute
NFI	Non Food Item
NGO	Non-governmental organization
NRC	Norwegian Refugee Council
OECD	Organization of Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIWAS	Organization for the Integration and Welfare of Asylum-Seekers
OSCE	Organization for Security and Co-operation in Europe
proGres	Profile Global Registration System
RNCOM	Regional Network of Civil Organizations on Migration
RSD	Refugee Status Determination
SGBV	Sexual and Gender-Based Violence
SPCP	Strengthening and Protection Capacity Project
STI	Sexually Transmitted Infection
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	United Nations Development Assistance Framework
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNIFEM	United Nations Development Fund for Women
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crimes
USCIRF	United States Commission on International Religious Freedom
VoT	Victim of Trafficking

The growing scope, scale and complexity of population movements have multiplied the points of intersection between refugee protection and international migration. “Mixed migration”, situations in which people with different objectives move alongside each other, using the same routes and means of transport or engaging the services of the same smugglers, can raise serious protection concerns. Travel, where it takes place without the requisite documentation, is often dangerous, exposing people to exploitation and abuse by smugglers and traffickers or placing their lives at risk. Most migrants, when they travel irregularly, are in vulnerable situations and many have specific needs that require urgent attention. Identifying refugees within broader irregular migration flows can be challenging, especially where individuals have themselves various motives for moving. Once identified, refugees require protection against *refoulement*, asylum and access to a durable solution.

At the same time, increasing awareness of the broader phenomenon of migration, and the development of increasingly sophisticated migration policies by States, can offer new opportunities for refugee protection as well as for migrants. Regional integration and liberalization or immigration programmes to meet labour demands, for instance, have broadened the protection space available to refugees in some countries.

Through the 10-Point Plan of Action on Refugee Protection and Mixed Migration (hereafter, the “10-Point Plan” or “the Plan”), UNHCR has developed a tool to assist all stakeholders to incorporate refugee protection considerations into broader migration policies. The 10-Point Plan sets out ten key areas within the framework of strategies for handling so-called “mixed migratory” flows, in which protection initiatives are required. The focus of the 10-Point Plan is on activities in countries of transit and destination. It incorporates both traditional protection activities as well as specific proposals developed to protect refugees and asylum-seekers in situations of mixed migration. In particular, the 10-Point Plan recommends establishing entry systems that can identify new arrivals with protection needs and provide appropriate and differentiated solutions for them, as well as addressing the needs of other groups involved in mixed movements. The 10-Point Plan does not address the root causes of mixed migratory movements. It does, however, recognize the need for longer-term engagement and development geared towards peace-building, democratization and the creation of livelihood opportunities.

The elaboration of the 10-Point Plan has benefited from innovative protection initiatives that UNHCR and its partners have developed in various regions. Since it was published, the Plan has inspired new initiatives and projects in many regions. This publication presents a selection of these initiatives, with a view to providing practical guidance for the implementation of the 10-Point Plan to UNHCR staff and interested partners.

This publication is part of a project funded by the European Commission.¹ The nearly 150 practical examples from 55 different countries presented here were chosen for the specific contribution they make towards achieving the 10-Point Plan's objectives: developing migration strategies that address States' legitimate sovereignty and security concerns, but that also consider the rights of all men, women, boys and girls involved in mixed migratory movements. Many of these examples are projects in which various stakeholders, both governmental and non-governmental, are involved, demonstrating the importance and value of cooperative efforts. The projects chosen add value, but, obviously, none of the projects is without its difficulties. Some of these difficulties have been highlighted in the relevant description of the project; other projects have only recently been initiated and their impact cannot yet be definitively assessed. We have therefore decided to avoid classifications such as "best practice" or "good practice".

While UNHCR and its partners have been working on issues related to refugee protection and international migration for some time, it is a relatively new topic in some regions. As a consequence, some regions are more often represented in the examples than others. But it is expected that this collection will quickly expand to other regions in view of the growing number of initiatives.

The collection is structured according to the ten points of the Plan, with an emphasis on presenting practical examples. Each chapter begins with an introduction, followed by an overview of the subjects addressed in the chapter and the relevant practical examples. The practical examples are then summarized in more detail in boxes, below an explanatory paragraph on the specific subject. Most practical examples contain supporting documentation in the Annex from which further details about the example can be obtained. The chapter concludes with suggested support that UNHCR can provide and a list of annexes to the chapter. A list of selected references at the end of each chapter provides the reader with sources where further information, including on the underlying legal framework, can be obtained. An online version of the collection will be available on the UNHCR public website.

UNHCR welcomes comments, suggestions and information about projects and initiatives that could enrich the collection. Please send any such information to the following email address: KLUG@UNHCR.org.

DIPS/PPLAS

June 2009

¹ This project also includes four regional conferences on refugee protection and mixed migration, and four expert roundtables on specific concepts of the 10-Point Plan. An information note on the project is available at <http://www.unhcr.org/protect/PROTECTION/483bca3a2.pdf>.



Cooperation among
key partners

1



Contents

1 At the national level

Practical examples

- UN Theme Group on Migration, Morocco
- Quadripartite Memorandum of Understanding, Libya
- Mixed Migration Task Force, Somalia
- Ministerial Task Force on Irregular Migration, Tanzania
- Reinforcement of National Capacities to Manage Mixed Migration Movements, Mauritania

2 At the regional level

Practical examples

- Regional Conference on Migration (Puebla Process): Raising awareness about providing international protection to refugees within mixed migratory flows
- Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants
- The Mexico Plan of Action for Latin American Countries
- Regional Conference on Refugee Protection and International Migration in the Gulf of Aden

3 At the international level

Practical example

- The Berne Initiative and the International Agenda for Migration Management

References to further examples are in the text

Mixed migration differs from other types of refugee situations. Due to the varying and mixed profiles of the men, women, girls and boys involved, it does not fall within the mandate or expertise of UNHCR or one particular entity alone. It also is not confined to one State, and regularly affects several countries falling along a migration route. Developing an effective response will normally be beyond the capacity of any single State, international agency or NGO and will have to take into account the perspectives of the many actors involved, whether they are overlapping and complementary or divergent. A collaborative approach involving all relevant actors will not only take into consideration these different perspectives, but will also make the best use of the different responsibilities, capacities and expertise available.

A key objective of cooperation arrangements among partners in the context of the 10-Point Plan is to ensure that migration policies and strategies are “protection sensitive” and consider the needs and rights of those who are part of these movements. Relevant partners in a particular mixed migration situation will be determined by the travel routes (implicating different States), the profiles of the migrants (implicating agencies with different areas of expertise), and the mandate, funding and resources of government ministries, international and non-governmental organizations with an actual or potential presence in the affected State or region. Stakeholders may change or vary depending on the phase of the response (arrival, medium-term stay, long-term solutions).

As opposed to the other action points of the 10-Point Plan, the theme of “cooperation among key partners” promotes a methodology for addressing mixed migration, rather than describes an activity for enhancing the practical response to mixed movements within a particular area. Most of the examples gathered in this Handbook involve more than one actor and demonstrate how cooperation can be operationalized in the context of mixed migration. While the examples presented in this Chapter focus on cooperation with regard to a specific issue or theme, they also provide frameworks for cooperation that could be applied to several or all aspects of mixed-migration situation comprehensively.

Cooperation must be developed out of and in response to a particular mixed migration situation. In order to define the parameters for cooperation, it is important first to understand the nature of the relevant mixed-migration situation. This topic is addressed in Chapter II.

1

At the national level

UN THEME GROUP ON MIGRATION, 2007 – 2011,
MOROCCO**A** *Background and Rationale*

Thematic groups of the UN country team in Morocco contribute to the implementation of the United Nations Development Assistance Framework (UNDAF). They serve as fora to exchange information and analysis, develop common strategic frameworks, and promote joint action by UN agencies to develop national policies, programmes and capacities.

The UN Thematic Group on Migration supports the Moroccan authorities and civil society in developing policies and strategies to better address mixed migratory movements in accordance with the UNDAF framework 2007-2011.

The Thematic Group pursues five main objectives:

- Supports the Moroccan authorities in developing and implementing migration policy;
- Promotes respect for the rights of migrants, refugees and asylum-seekers, and improvement of their living conditions;
- Contributes to improved management of regular migration;
- Develops socio-economic alternatives to migration, reinforcing the linkages between migration and development, including assisted voluntary return migration;
- Contributes to the fight against smuggling and trafficking in human beings.

B *Actors*

CEA, FAO, ILO, IOM, UNAIDS, UNDP, UNESCO, UNFPA, UNICEF, UNIDO, UNIFEM, UNHCR.

C *Actions*

- Bi-monthly meetings to ensure follow-up and coordination in implementing the common strategic framework;
- Exchange of information, analysis and good practices;
- Participation in conferences and seminars;
- Support for research projects (e.g. study on human trafficking, research on data-collection and analysis), and academic exchange;
- Coordination of the EC–UN Joint Initiative on Migration and Development (Morocco is one of the 16 target countries);
- Assistance to governmental and non-governmental national partners for activities relating to the Group's mandate.

D *Review*

The Thematic Group has developed a common strategic framework on migration for Morocco as a country of emigration, transit and destination. The framework has been the subject of extensive bilateral discussions with institutional partners. As a result, the government proposed to develop a comprehensive migration policy. In general, the Thematic Group has encouraged UN involvement in migration and refugee issues. This, in turn, has resulted in more active, rights-based engagement from institutional partners and civil society.

The challenges for the United Nations, and the UN Thematic Group in particular, are to put a comprehensive migration policy and strategy on the national agenda, and to support the various stakeholders in their efforts to implement such an agenda.

E *Further information*

“Groupe Thématique Migrations, Cadre stratégique”, September 2007 – Annex 1

A QUADRIPARTITE MEMORANDUM OF UNDERSTANDING IN THE LIBYAN ARAB JAMAHIRIYA, 2008, LIBYA

A *Background and Rationale*

In June 2008, a Memorandum of Understanding (MoU) was concluded between UNHCR, one Libyan and two European partner agencies to cooperate in the areas of refugee protection and international migration in the context of the implementation of the 10-Point Plan in Libya. The MoU followed bilateral cooperation agreements on the same topic concluded between UNHCR and the Libyan partner, the International Organization for Peace, Care and Relief (IOPCR).

B *Actors*

- International Centre for Migration Policy Development, Vienna (ICMPD)
- International Organization for Peace, Care and Relief, Libya (IOPCR)
- Italian Council for Refugees (CIR)
- UNHCR Libya

C *Actions*

The agreement outlines the framework for cooperation between the partners in Libya: (Article 2) *“The Parties aim to support the Libyan Arab Jamahiriya in designing and implementing comprehensive and protection-sensitive migration strategies with full respect for international and regional refugee and human rights principles, and to enhance the protection for persons of concern to UNHCR in the Libyan Arab Jamahiriya.”*

Collaboration is envisaged either in the form of joint interventions or individual responsibilities in four key areas: capacity-building, data management, study/survey, and voluntary repatriation.

D *Review*

The Agreement demonstrates how a partnership between international and local governmental and non-governmental actors can assist governments in addressing the issue of mixed migration. It is the first formal agreement on mixed migration that is explicitly based on the 10-Point Plan of Action. The MoU also demonstrates that a series of strategic and incremental steps can be taken to establish effective cooperation among various actors.

Challenges the partners will have to address in implementing the Agreement include the political sensitivity of issues related to mixed migration; the absence of a clear administrative structure for asylum and migration in Libya, and the ability of partners to fulfil their commitments.

E *Further information*

Memorandum of Understanding – Annex 2

MIXED MIGRATION TASK FORCE, 2007, SOMALIA

A *Background and Rationale*

In April 2007, several UN agencies, IOM and non-governmental organizations formed a Mixed Migration Task Force (MMTF) in Somalia under the auspices of the Protection Cluster of the Inter-Agency Standing Committee (IASC)¹, with UNHCR and IOM acting as co-chairs. Providing a forum for country-level policy-setting and information-exchange, the MMTF's purpose is to develop a comprehensive and coordinated response to the protection and humanitarian needs of refugees and migrants transiting through Somalia. Where necessary and appropriate, internally displaced persons from Somalia are also included in the MMTF's activities.

The MMTF has three principal objectives:

- Develop an inter-agency framework for humanitarian intervention on mixed-migration movements to Somalia;
- Engage in advocacy and capacity-building efforts at the national level;
- Promote regional coordination.

B *Actors*

- Danish Refugee Council (DRC)
- International Committee of the Red Cross (ICRC)
- International Organization for Migration (IOM)
- Norwegian Refugee Council (NRC)
- United Nations Children's Fund (UNICEF)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)
- United Nations Office of the High Commissioner for Human Rights (OHCHR)
- United Nations Office on Drugs and Crimes (UNODC)

C *Actions*

- Preparation of a background paper on mixed migratory movements through Somalia and the Gulf of Aden²;
- Development of regular joint information sheets;
- Joint donor briefings and submission of project proposals;
- Organization of a regional conference on mixed migration in the Gulf of Aden in cooperation with UNHCR;
- Establishment of a mechanism for intra-regional information exchange;
- Establishment of an emergency response team in Bossasso to facilitate immediate response to emergency cases;
- Provision of an emergency response kit (food and NFIs) to affected migrants in Bossasso;

¹ The IASC is an inter-agency forum for coordination, policy development and decision making in situations of internal displacement, involving key UN and non-UN humanitarian partners.

² Mixed Migration Task Force Somalia, *Mixed Migration through Somalia and across the Gulf of Aden*, April 2008, available at www.unhcr.org/refworld/docid/484d44ba2.html.

- Training on international refugee protection, monitoring, reporting and response provided to MMTF members and protection partners;
- Opening of a response centre on mixed migration in Bossasso to reduce irregular migration through information-sharing and referral services to actual and potential migrants.

D *Review*

The MMTF has improved information-sharing, inter-agency coordination and enabled the development of joint approaches in Somalia. The MMTF model of a multi-agency task force has been replicated in Yemen, and regular exchanges have been established between both task forces.

While partner agencies have agreed on a comprehensive list of implementation activities, the difficult security situation has delayed the implementation of some of their activities.

E *Further information*

IASC Somalia Protection Cluster: Mixed Migration Task Force. Terms of Reference – Annex 3

MINISTERIAL TASK FORCE ON IRREGULAR MIGRATION, 2008, TANZANIA

A *Background and Rationale*

Following the High Commissioner's Dialogue on Protection Challenges 2007, the Minister for Home Affairs of Tanzania, in a meeting with stakeholders, formed a Ministerial Task Force to assess various aspects of irregular migration. A secretariat was established at the Centre for the Study of Forced Migration and a two-year project was begun, based on a tripartite agreement between UNHCR, the Ministry of Home Affairs and the Centre for the Study of Forced Migration (CSFM).

B *Actors*

- CSFM
- ICRC
- IOM
- Ministry of Home Affairs (Departments for Refugee Services, Immigration Services, Tanzanian Prisons)
- Tanzania Red Cross Society
- UNHCR

C *Actions*

- Establishment of a Task Force Secretariat at the CSFM in Dar es Salaam;
- Familiarization of all Task Force members with the concept of mixed migration;
- Task Force monitoring missions to several specific mixed migration situations and preparation of reports;
- Research and data-gathering;

- Assistance to migrants who want to return;
- Training of border officials;
- Development of SOPs on border management, profiling and referral;
- Assistance to refugees and revision of Refugee Act;
- Work on plans for regional conference;
- Work on a proposal to avoid unnecessary detention of undocumented arrivals.

D *Review*

Some recommendations from the Task Force's reports were taken up by the government of Tanzania and some of the undocumented new arrivals were released from detention centres. Border officials reacted positively to the first trainings. The new project of the Ministerial Task Force started in late 2008 and therefore many activities are still being implemented.

E *Further information*

The Ministerial Task Force on Irregular Migration: Report on the situation of irregular migration in Tanzania, Dar es Salaam, April 2008 – Annex 4

Information note: Access to protection in Mixed Migration Flows – Annex 5

REINFORCEMENT OF NATIONAL CAPACITIES TO MANAGE MIXED MIGRATION MOVEMENTS, 2008, MAURITANIA

A *Background and Rationale*

The project involves collaboration among several agencies. It addresses mixed migration from and through Mauritania to the Canary Islands and has three objectives:

- Consolidate the asylum space in Mauritania;
- Reinforce the understanding of international standards relating to migration and refugee protection in order to promote the compliance of national laws with these standards;
- Enhance institutional-management capacities in the field of migration and implement refugee law through national asylum and eligibility procedures, clarification of responsibilities, enhanced coordination mechanisms, and easier access to relevant information.

The project could build on previous activities on mixed migration in the country such as the *Groupe d'Etude des Flux Migratoires* (GEFEM), set up by the Ministry of Interior in 2005, involving interested diplomatic missions, relevant ministerial departments and UN agencies.³

B *Actors*

- European Commission

³ The GEFEM has not met since 2006, but two of its Thematic Working Groups have recently been reactivated.

- FIIAPP (Fondation Internationale et pour l'Ibero Amérique d'administration et politiques publiques)
- IOM
- Local implementing partners
- UNHCR

C *Actions*

- In collaboration with the Spanish Red Cross and the Mauritanian Red Crescent, FIIAPP was responsible for:
 - ✓ Managing humanitarian assistance for residents in the Nouadhibou reception centre;
 - ✓ Providing training in temporary reception and relief for the Mauritanian authorities;
 - ✓ Building capacity of the Mauritanian authorities in border surveillance.
- UNHCR's activities aimed at reinforcing the national asylum capacity and emergency humanitarian response in cooperation with national NGOs. Activities included:
 - ✓ Providing assistance to refugees;
 - ✓ Promoting better understanding of mixed migration in Mauritania;
 - ✓ Reinforcing national asylum procedures and the Migration/Protection Unit in the Ministry of Interior;
 - ✓ Preparing legal studies to support the review process of Mauritania migration and asylum legislation;
 - ✓ Organizing regional training workshops on asylum and refugee law;
 - ✓ Supporting the Working Group on Migration Flows in Nouakchott.
- IOM, in cooperation with the Mauritanian Red Crescent:
 - ✓ Provided assistance for the voluntary return of irregular and vulnerable migrants in Mauritania;
 - ✓ Equipped several border posts with the means to reinforce the capacity to manage entry and departure from national territory (with the French International Technical Cooperation Police Service);
 - ✓ Conducted study visits and training courses in document fraud, biometrics, and management of border posts.

D *Review*

The initiative promoted cooperation among UNHCR, IOM, FIIAPP, the Spanish and the French authorities. Coordinated responses helped to resolve numerous dangerous situations faced by migrants, asylum-seekers and refugees. A national migration strategy is being developed and is due to be presented to the Council of Ministers in the first half of 2009. The first draft revisions of the national Aliens Law and the national Law on Trafficking have been shared with UNHCR and other international and human rights organizations for comments.

2

At the regional level

REGIONAL CONFERENCE ON MIGRATION (PUEBLA PROCESS), AMERICAS: RAISING AWARENESS ABOUT PROVIDING INTERNATIONAL PROTECTION TO REFUGEES WITHIN MIXED MIGRATORY FLOWS, 1996

A *Background and Rationale*

The Regional Conference on Migration (RCM) is a unique and flexible multilateral forum that aims to enable States to share experiences and develop regional policies, while considering the link between development and migration, and the human rights of migrants. The RCM has also generated a number of technical assistance projects that have moved towards an operational stage of development. UNHCR has observer status with the RCM.

B *Actors*

- **Member Countries:** Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the United States of America.
- **Observer Countries:** Argentina, Colombia, Ecuador, Jamaica, and Peru.
- **International Organizations with Observer Status:** Inter-American Commission on Human Rights, International Organization for Migration (IOM), UN Economic Commission for Latin America and the Caribbean/Latin American Demographic Centre, System of Central American Integration (SICA), the UN Special *Rapporteur* on the Human Rights of Migrants, UNFPA, and UNHCR.
- **NGOs:** Regional Network of Civil Organizations on Migration (RNCOM), a network of over 65 NGOs working on migration issues in member States.

C *Actions*

- The revised Plan of Action of the Regional Migration Conference includes specific reference to the importance of identifying those in need of protection within broader migratory flows;
- A training module on refugee protection is part of a regional training for border, migration and consular officials, in cooperation with the governments of Canada, the United States of America, and Mexico;
- UNHCR is invited and contributes to many RCM activities;
- A seminar on migration legislation was organized with UNHCR and IOM in February 2007;
- A workshop on “Protection and Durable Solutions in the Context of Mixed Migratory Flows” was organized by the governments of Canada and Costa Rica, with the support of UNHCR in June 2008.

D *Review*

RCM member countries have a greater awareness of mixed migratory flows in North and Central America and the importance of identifying and distinguishing refugees and other persons in need of international protection from migrants.

E Further information

Available on RCM's official website: <http://www.rcmvs.org/> (in English) or <http://www.crmsv.org/> (in Spanish).

UNHCR's position papers submitted to the RCM are available at http://www.acnur.org/index.php?id_pag=6253.

ASIA-PACIFIC CONSULTATIONS ON REFUGEES, DISPLACED PERSONS AND MIGRANTS, 1996

A Background and Rationale

The Inter-governmental Asia-Pacific Consultations Process on Refugees, Displaced Persons and Migrants (APC) was established in 1996 to provide a forum for countries in the region to discuss the challenges raised by mixed migration movements. The APC are coordinated on a rotating basis among the various countries in the region, with the chair appointed to a one-year, renewable term.

B Actors

- All countries in the Asia-Pacific region
- IOM
- UNHCR

C Actions

- The APC are organized at plenary, sub-regional and working-group levels. Plenaries are held once a year and are intended as a platform to decide the broad themes to be discussed during the calendar year. Sub-regional meetings and working groups convene on a regular basis to discuss specific topics;
- The APC Plenary meeting in 2006, chaired by the People's Republic of China, drew up a Xiamen Action Plan that established the modalities of future coordination;
- The issues addressed include: causes and consequences of population movements, data-collection and information-sharing, prevention and preparedness, reintegration and sustainability, comprehensive and durable solutions for refugees, trafficking of women and children, illegal immigrants/workers, people-smuggling and irregular migration, emergency response, and contingency planning;
- A permanent Secretariat was established in January 2007 in Apia, Samoa, to provide operational and administrative support to the coordinating country.

D Review

The APC platform provides a comprehensive overview of the challenges posed by mixed migration in the Asia-Pacific region. One of the main challenges posed by regional cooperation efforts involving a large number of actors is to ensure that the discussions have concrete results either in the form of common objectives or clearly defined implementation measures. For a large forum such as this, strong chairmanship is important to ensure that all discussions result in action.

E Further information is available at: www.apcprocess.net.

THE MEXICO PLAN OF ACTION FOR LATIN AMERICAN COUNTRIES, 2004

A *Background and Rationale*

The Mexico Plan of Action (MPA) was adopted in 2004 to promote concrete actions for the protection of primarily Colombian refugees, internally displaced persons, and other migrants in Latin America. The Plan of Action is built on the principles of regional solidarity, international cooperation and responsibility-sharing, and focuses on issues relating to both protection and durable solutions.

B *Actors*

- All Latin American States
- Over 100 NGOs/representatives of the civil society

C *Actions*

The protection component of the Plan focuses on reinforcing the legal and operational framework for the protection of refugees and internally displaced persons in the region. This includes:

- Adopting and revising refugee legislation and amendments to migration legislation and establishing public policies and indicators on the treatment of internally displaced persons in Colombia;
- Recognizing different protection needs based on age, gender, and diversity;
- Reinforcing national commissions for the determination of refugee status by providing funding and building capacity;
- Reinforcing national and regional protection networks, such as human rights Ombudsman's Offices and civil society organizations that work in the field of human rights, forced displacement and migration. Legal counselling is also provided to asylum-seekers, refugees and internally displaced persons;
- Training in and promotion of refugee law.

The durable solutions component includes three specific programmes:

- *Cities of Solidarity*, which prioritizes the exercise and enjoyment of rights and aims to improve the quality of protection and to foster local integration in border and urban areas;
- *Borders of Solidarity*, which strengthens border monitoring and designs protection responses, such as status determination procedures, registration and documentation, community mobilization projects and income-generating projects for refugees, internally displaced persons, and host communities;
- *Solidarity Resettlement*, which is a regional resettlement programme, mainly for Colombian refugees living in Costa Rica and in Ecuador.

D *Review*

The Mexico Plan of Action brings together a wide variety of actors (governments, international organizations, academia, and civil society) and proposes a range of initiatives to help achieve the Plan's common goals.

Effective implementation is difficult due to the lack of financial resources. Furthermore, the political commitment and the momentum to implement the Plan have been altered by elections in a number of Latin American countries.

E *Further information*

Mexico Declaration and Plan of Action of November 2004 – Annex 6

REGIONAL CONFERENCE ON REFUGEE PROTECTION AND INTERNATIONAL MIGRATION IN THE GULF OF ADEN, 19- 20 MAY 2008⁴ – SANA'A, YEMEN

A *Background and Rationale*

UNHCR convened the Conference in cooperation with the Mixed Migration Task Force, Somalia, and with funding from the European Commission. Its objective was to gather support for establishing a regional Plan of Action on refugee protection and mixed migration in the Gulf of Aden region. The Conference used the framework of the 10-Point Plan to steer discussions on regional cooperation and implementation activities.

B *Actors*

- Donors (EC, France, Germany, Italy, Netherlands, Spain, Japan, USA)
- International agencies
- Local and international non-governmental organizations
- Regional organizations, including the African Union
- Representatives of Yemen, the Horn of Africa region (Djibouti, Ethiopia, Puntland and Somaliland), and the Arabian Gulf (Bahrain, Oman, Qatar, Saudi Arabia and United Arab Emirates)

C *Actions*

Discussions focused on a wide range of issues including the humanitarian challenges posed by the increasing number of migrants and refugees moving through the Horn of Africa region, across to Yemen and, in some cases, onward to third countries.

A plenary session and eight different working groups were held to address the 10-Point Plan of Action. The recommendations that emerged from these sessions include:

- Establishing inter-ministerial committees at the national level to ensure cooperation within governments;
- Creating consultative fora and adopting strategies at the national and regional levels;
- Tapping into pre-existing regional consultative process on migration.

D *Review*

The Conference provided a unique opportunity to discuss the challenges posed by the mixed migration situation in and across the Gulf of Aden on the basis of the 10-Point Plan.

It brought together representatives of countries of origin, transit and destination, and provided them with a platform to discuss their concerns and recommendations.

The Conference acknowledged the importance of regional and sub-regional cooperation for addressing mixed migration movements and identified some of the gaps where action is required by key partners. These findings will form the basis of a future Plan of Action.

E Further information

The Conference report and all Conference materials are available at <http://www.unhcr.org/4a252c786.html>.

Concept note of the conference – Annex 7

⁴ A similar conference focusing on Refugee Protection and Mixed Migration within the West African region took place in Dakar, Senegal, in November 2008. Further information is available at: <http://www.unhcr.org/4a27be466.html>. Both conferences form part of a series of conferences in four different regions

The Soderkoping Process

The Soderkoping Process, established in 2001, comprises ten countries situated along the enlarged EU border: Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia and Ukraine. The process is supported by the EC, IOM, Swedish Migration Board (SMB) and UNHCR.

The objective of the Soderkoping Process is to facilitate cross-border cooperation among the new EU Member States, candidate countries and the Western NIS, on asylum, migration and border-management issues.

National coordinators have been appointed in each member country to support information-sharing and to participate in training events. The Process is supported by a secretariat that facilitates experience and information-sharing by organizing thematic conferences and publishing and promoting studies and research.

National coordinators are in charge of organizing research and thematic workshops on topics such as judicial practice in the field of migration, durable solutions for refugees, the role of NGOs in cross-border cooperation processes, and preventing abuse of asylum systems.

Senior-level Review Meetings provide an overview of the legislative and administrative developments in the field of asylum, migration and border management in ten countries; report on the progress achieved in implementing suggestions made during previous meetings; review the relevance of the activities for the period until the next Senior-level Review Meeting; evaluate the activities of the Secretariat as a coordination and resource centre for the Process; and set priorities within the Process.

Further information is available at: www.soderkoping.org.ua

Other examples of regional cooperation in the area of migration include:

The Bali Process, which is a regional consultative process on combating smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region. Full details are available at: www.baliprocess.net.

The Budapest Process, which started in 1993 to bring together EU Member States, the then-candidate countries and the new democracies from Central Europe to cooperate on migration and agree on common principles.

A more comprehensive overview of existing processes in the Annex 8.

At the international level

3

THE BERNE INITIATIVE AND THE INTERNATIONAL AGENDA FOR MIGRATION MANAGEMENT, 2001-2007

A *Background and Rationale*

The Berne Initiative, a state-owned consultative process, was launched in 2001 by the Federal Office for Migration of the Government of Switzerland, subsequent to an International Symposium on Migration (“Berne I”). A second International Symposium on Migration was organized in 2004 (“Berne II”). The initiative aimed to enhance cooperation for managing migration at the national, regional and global levels. It allows governments and interested stakeholders to share their priorities and identify common goals on migration management.

B *Actors*

- **Berne I:** 80 government officials and experts from international agencies, NGOs and academia.
- **Berne II:** 300 participants representing 120 governments.

C *Actions*

- “Berne I” established common goals and interests of all participating States and agreed to the idea of developing a framework of guiding principles for effective practices in managing migration through broad consultations;
- Following the symposium, four regional consultations were convened in Africa, Europe and Central Asia, Asia and the Americas on issues related to demographic developments, the impact of globalization on migration, demand for foreign labour, irregular migration, trafficking in human beings and gender-related issues of migration⁵;
- The regional consultations led to the finalization of a framework document called the International Agenda for Migration Management (IAMM), a non-binding reference system and policy framework with the aim of facilitating cooperation among States in managing the movement of people in a humane and orderly way;
- The discussions at the regional consultations informed the talks leading to the International Conference on Migration (“Berne II”), which further elaborated the scope of the IAMM.

D *Review*

The Berne Initiative demonstrates the advantages in comparing policy frameworks on migration-related issues among participating States. The IAMM is thus a valuable resource for policy makers for addressing the challenges of international migration.⁶

E *Further information* is available at:

http://www.bfm.admin.ch/bfm/de/home/themen/internationale/multilaterales/international_agenda.html.

⁵ The Intergovernmental Consultations on Asylum, Refugee and Migration Policies; the Budapest Process; the Puebla Process on Migration; the Migration Dialogue for Southern Africa (MIDSA).

⁶ Further information on the Initiative, the Regional Consultations and other workshops organized as a result, is available at the Government of Switzerland’s website www.bfm.admin.ch.

Other examples of global-level cooperation on migration include:

- Global Migration Group (www.un.int/iom/GMG.html).
- Global Forum for Migration and Development (<http://www.gfmd2008.org>).
- UNHCR High Level Dialogue in 2007 (www.unhcr.org).
- IOM Dialogue on International Migration (www.iom.int).

Operationalizing cooperation – Some suggestions:

The following are suggestions for transforming the principle of cooperation among key partners into action:

- ➔ Establish responsibilities and ensure accountability. Lines of responsibility are important – among different actors as well as among the country, regional and global levels – as part of a comprehensive approach. Having adequate leadership and accountability will ensure that the collaborative approach is consistent, systematic and predictable;
- ➔ Respect institutional differences, including mandates, cultures, approaches, operating parameters and priorities;
- ➔ Divide responsibilities according to mandates and expertise of each partner, as well as their available capacity and resources;
- ➔ Ensure that information-sharing and decision-making are transparent;
- ➔ Establish communication channels on both working and policy levels;
- ➔ Ensure consistency of responses, but also create flexibility to allow for adjustments to changing realities.

UNHCR Support Available

UNHCR may assist partners by:

- Providing protection expertise;
- Assuming a convener or facilitator role, possibly jointly with partners;
- Participating, on various levels, in cooperation agreements;
- Helping to promote and coordinate dialogue among relevant actors.

List of Annexes

- Annex 1:** UNDAF « Groupe Thématique Migrations, Cadre stratégique », 5 September 2007.
- Annex 2:** Memorandum of Understanding between the office of the United Nations High Commissioner for Refugees, the International Organization for Peace Care and Relief and the International Centre for Migration Development Policy and the Italian Council for Refugees on Cooperation in the Libyan Arab Jamahiriya of June 2008.
- Annex 3:** Inter-Agency Standing Committee (IASC) Somalia Protection Cluster - Mixed Migration Task Force – Terms of Reference, 2007.
- Annex 4:** The Ministerial Task Force on Irregular Migration: Report on the Situation of Irregular Migration in Tanzania, Dar es Salaam, April 2008.
- Annex 5:** Information Note: Access to Protection in Mixed Migration Flows, University of Dar es Salaam, Tanzania, August 2008.
- Annex 6:** Mexico Declaration and Plan of Action to Strengthen International Protection of Refugees in Latin America, 16 November 2004.
- Annex 7:** Regional Conference on “Refugee Protection and International Migration in the Gulf of Aden”, Sana’a, Yemen, 19 – 20 May, concept note of April 2008.
- Annex 8:** Overview on Major Regional Consultative Processes – International Organization for Migration, Global Commission for International Migration (GCIM) - 2008, based on a matrix prepared by IOM and the GCIM in connection with a joint IOM-GCIM workshop on Regional Consultative Processes on Migration, held in Geneva from 14-15 April 2005, updated by IOM for the Global Forum on Migration and Development (GFMD) in Brussels from 9-11 July 2007, and again for the GFMD in Manila from 27-30 October 2008.



Data collection and analysis





Contents

1 Defining the objective(s), scope and methodology of the data collection

Practical examples

- UN Recommendations on Statistics of International Migration
- UN Principles and Recommendations for Population and Housing Censuses
- European Regulation of 11 July 2007 on Community statistics on migration and international protection

2 Collecting the data in collaboration with partners, analyzing and using it for policy decisions

Practical examples

- Population Movement Tracking, Somalia
- Data collection project of the Ministerial Task Force on Irregular Migration, Tanzania
- ICMPD Interactive Map on Migration

For further examples, please also see Chapter VIII

3 Selected international migration databases and datasets

Proper data collection and analysis is essential for understanding and responding to mixed migratory flows. Accurate data is necessary for assessing the scale of and trends within the flows, establishing a basic profile of the migrants, understanding the causes and consequences of mixed migration, identifying travel routes and means of transportation, and designing, implementing and evaluating policy responses and programmatic interventions. Data collected can include:

- The size and composition of the migratory movements;
- The profile and needs of women, men, boys and girls who are part of such movements;
- Travel routes, modes of transport, use of smugglers/facilitators;
- Motivation for travel or onward travel;
- Protection challenges and possible durable solutions.

Data collection can target a specific aspect or phase of migration (transit, arrival, return) or aim at providing comprehensive information on the entire migratory movement. For a proper analysis of the mixed character of a migratory movement, data and information on all components, including refugee protection-related elements, should be included.

Data can be collected at points of departure, entry points and first-reception centres. In addition to specifically targeted data collection exercises, information may also be available from existing sources and ready for analysis. For instance, information obtained during a “profiling” exercise (see Chapter V – Mechanisms for Profiling and Referral) can be particularly useful. Another source of information may be the results of individual interviews undertaken during subsequent processing procedures. However, regardless of the purposes for which it is collected, the security and privacy of personal information is best protected if the information is made anonymous before being used for the purposes of data analysis.

Data collection on mixed migration can be particularly challenging for a variety of reasons. Movements are often clandestine. Few governments collect migration data (even for regular movements) systematically. Different stakeholders and entities gather data independently of each other for their own objectives, and use different definitions, criteria and parameters, making it difficult to aggregate or share data without distorted results. These challenges can be overcome by establishing joint understandings on data collection and analysis between different actors.

1

Defining the objective(s), scope and methodology of the data collection

Before a data collection exercise is begun, its objectives, scope, methodology and the data-protection safeguards to be applied must be determined. Guidance on how to best collect international migration data and how to respect the right to privacy can be found, inter alia, in the following sources:

The **UN Recommendations on Statistics of International Migration, Revision 1** (United Nations, New York, 1998) provide a comprehensive framework for collecting international migration flow data.¹ These recommendations were based on extensive consultations with national experts and collaboration with international organizations, including UN Department of Economic and Social Affairs (DESA), UNHCR, the International Labour Organization (ILO), the Organization for Economic Co-operation and Development (OECD) and Eurostat, the statistical Office of the European Communities. The recommendations aim to promote a better understanding of migration flows, based on the application of existing national data sources and definitions. Among the key information sources mentioned in the document are administrative sources, such as residence permits issued by visa category, from which annual immigration-flow data can be derived.

¹ Available at http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf

The main guidance on collecting international migrant stock data are contained in the **UN Principles and Recommendations for Population and Housing Censuses, Revision 2** (United Nations, New York, 2007).² Implementing these guidelines to the fullest extent in the next few years will not only result in a rich source of information at the country level, but will also produce a minimum set of standardized migration data across countries and territories.

² Available at <http://unstats.un.org/unsd/demographic/sources/census/census3.htm>

Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection

This Regulation came as a follow-up from the conclusions of the Thessaloniki European Council in June 2003, which asked for more effective mechanisms for collecting and analysing information on migration and asylum in the European Union. The Regulation establishes common rules for Community statistics on immigration and on the administrative and judicial procedures relating to migration.

Member States are required to provide Eurostat with statistics on the numbers of immigrants moving to the territory of the Member State, the numbers of persons applying for international protection; persons covered by applications under consideration by the national authorities; unsuccessful asylum-seekers; refugee status granted, subsidiary protection status and temporary protection status; unaccompanied minors; appli-

cations and transfers covered by the Dublin II Regulation; persons selected for resettlement in the Member State.

Member States are also required to provide Eurostat with statistics on the numbers of third-country nationals refused entry to the Member State's territory at the external border and those found to be staying illegally on the Member State's territory. They should also provide statistics on the number of administrative or judicial decisions imposing an obligation to leave the territory as well as on the number of third-country nationals returned to their countries of origin, countries of transit or other third countries.

Additional Information

The International Agenda for Migration Management (IAMM) contains a chapter with general recommendations on research and data (pages 67-70).

The Economic Commission for Latin America and the Caribbean (ECLAC), secretariat of the Caribbean Development and Cooperation Committee (CDCC), in collaboration with the International Organization for Migration (IOM), convened a one-day Expert Group Meeting on Migration Data Collection, Management and Sharing in the Caribbean, 9 November 2007, in Grand Cayman, Cayman Islands (Agenda 3 – Data Sharing Mechanism: a generic model).

Collecting the data in collaboration with partners, analyzing and using it for policy decisions

2

Data on mixed migratory movements may be collected through censuses, registers, administrative sources and surveys. Given the difficulties in estimating the size and characteristics of the irregular migrant population, using a combination of sources can assist to obtain reasonably accurate estimates.

UNHCR maintains hundreds of registers for refugees and asylum-seekers in order to administer assistance (mainly in camps), to carry out refugee status determination, and to manage durable solutions. These registers, particularly those concerned with individual refugee status determination, contain valuable information on migratory routes, conditions in the country of origin, and family characteristics.

POPULATION MOVEMENT TRACKING (PMT), 2006, SOMALIA

A *Background and Rationale*

UNHCR manages and implements the Population Movement Tracking (PMT) initiative. The PMT was designed in 2006 to capture information on the movements of internally displaced persons (IDP) and IDP populations in a systematic way, for the first time providing reliable and standardized information on IDPs across Somalia, even for those

areas with little or no humanitarian access. In mid-2008, the PMT was strengthened to look at issues related to mixed migration, including the final destination and expected coping mechanisms of would-be migrants. This activity functions as part of an early-warning system for greater predictability and improved humanitarian responses to IDP and mixed migration movements.

B *Actors*

- Network of over 60 local human rights NGOs in Somalia
- UNHCR

C *Actions*

- UNHCR-Somalia began the Population Movement Tracking (PMT) initiative in mid-2006, mainly in response to IDP movements resulting from a drought in south/central Somalia. This initiative was expanded to cover nearly all areas of Somalia. New partners were identified, and partners from other initiatives, such as UNHCR's Protection Monitoring Network and UNICEF's Child Protection monitoring network, were all trained in collecting and sharing information related to population movements.
- A PMT database was created early in the project and improved to facilitate data entry, data analysis, and dissemination. The advantage of having PMT data stored in a database, rather than in narrative reports, is that it can be filtered and sorted in a variety of different ways according to the need of its users. In addition, a database lends itself to creating tables, charts, graphs, and maps, which can be effective ways of disseminating information.
- There are a variety of standard outputs from the PMT. Weekly updates on key displacement figures are included in the Somalia Protection Updates. Monthly PMT reports include a narrative summary, matrix of movements, map of IDP locations, and a Google Earth-viewable file showing all IDP movements in Somalia since January 2007, catalogued by month and reason for movement. In addition, ad-hoc queries related to IDP and mixed migration figures and patterns are requested daily by those with an interest in the Somalia situation.
- Another outcome of the population-monitoring exercise is a verification of population movements to confirm the actual numbers. Previously, UNHCR relied on figures provided by local authorities, which were not always accurate.
- In 2008, the PMT data collection form and database were enhanced to collect information on mixed migration by identifying those groups of IDPs who intended to cross an international border, and to collect extra information related to their intentions for the future.

D *Review*

The population-monitoring and population-movement tracking system has provided relatively accurate figures on people on the move. It has provided statistical and evidence-based means for prioritizing interventions related to IDPs, and has provided information useful for advocacy purposes up to the level of the Secretary-General and the Security Council. It has provided insights into populations of migrants, their patterns of movements and their intentions. It has also reinforced the role of relevant actors through capacity-building measures.

E *Further information*

UNHCR's Population Movement Tracking initiative – FAQs, November 2007, reporting form, Sample Map – Annex

DATA COLLECTION PROJECT OF THE MINISTERIAL TASK FORCE ON IRREGULAR MIGRATION, 2008,¹ TANZANIA

A *Background and Rationale*

Following up on UNHCR's High Commissioner's Dialogue on Protection Challenges 2007, the Tanzanian Minister for Home Affairs, in a meeting with stakeholders, formed a Ministerial Task Force to assess various aspects of irregular migration.⁴ The Task Force's terms of reference included collecting and analyzing data on mixed migration, primarily gathered by profiling persons detained for illegal entry.

B *Actors*

- ICRC
- IOM
- Ministry of Home Affairs (Departments for Refugee Services, Immigration Services, Tanzanian Prisons)
- Tanzania Red Cross Society
- UNHCR

C *Actions*

- The Task Force visited and profiled persons detained for irregular entry during the first quarter of 2008.
- It collected data and statistics.
- It prepared a report with its key findings relating to patterns of irregular migration to Tanzania and existing referral mechanisms for the different groups of detainees.
- The report also includes recommendations for a comprehensive, long-term strategy.

D *Review*

The Government studied the report and took action on selected issues. The majority of Ethiopians who had said they had no asylum claims were allowed to go home. IOM assisted victims of trafficking in returning home.

Among Somalis who were released, many either did not return to Somalia or came back to Tanzania to seek protection.

E *Further information*

The Ministerial Task Force on Irregular Migration: Report on the situation of irregular migration in Tanzania, Dar es Salaam, April 2008 — Annex 4 to Chapter I

³ A regional study on mixed migration in the West African region was commissioned by UNHCR in preparation for the Regional Conference on Refugee Protection and International Migration in West Africa, November 2008. Florianne Charrière and Marion Fresia: "West Africa as a Migration and Protection area", November 2008.

⁴ For further information on the Task Force, see Chapter I, Example 4.

ICMPD INTERACTIVE MAP ON MIGRATION (I-MAP), REGIONAL AND THEMATIC FOCUS: IRREGULAR MIGRATION FLOWS AND ROUTES IN AFRICA, THE MIDDLE EAST AND THE MEDITERRANEAN REGION, 2006

A Background and Rationale

In 2006, ICMPD, EUROPOL and FRONTEX, within the framework of the Dialogue on Mediterranean Transit Migration (MTM), developed an interactive web-based database, presented in the form of an interactive map (I-Map). This I-Map was created to be used by Arab and European Partner States and partner agencies for the purpose of collecting and exchanging information on migration routes and flows in Africa, the Middle East and the Mediterranean region, and supporting the development and implementation of cooperation initiatives.

B Actors

- Algeria, Egypt, Lebanon, Libya, Morocco, Syria, Tunisia
- Australia as an Observer State
- European Commission
- EUROPOL
- EU Member States
- FRONTEX
- INTERPOL
- Norway
- Odysseus Academic Network
- Switzerland
- Turkey
- UNHCR
- UNODC (UN Office on Drugs and Crime)

NB: There are plans to extend the I-Map project to other countries, including Ethiopia, Jordan, Mali, Mauritania, Niger and Senegal.

C Actions

- The MTM I-Map visualizes the migratory routes and flows in Africa, the Middle East and the Mediterranean region. Information is gathered through questionnaires completed by Member States and on-site information-gathering. Partner organizations can add additional information.

Features of the MTM I-Map tool include:

- Public and secured accessibility. Users having access to the secured area (Partner States and Partner agencies) can send comments and suggestions to the I-Map team, and fill the MTM Questionnaire on irregular migration and trafficking in human beings;
- Three working languages: English, French, and Arabic;
- Three areas of information: irregular migration (under development), regular migration (planned development), migration and development (planned development). The I-Map also includes information on refugee protection;
- Three levels of information: national, migration route (regional), and migration hub (local). A fourth category, legislative profiles, is about to be added.

D Review

The I-Map is valued by all partners. In addition to graphically illustrating information on migratory movements and promoting information-collection and -exchange, it is also seen as a tool to improve dialogue and promote better understanding among States. Access to the MTM I-Map layer on irregular migration is restricted to partner States and partner agencies. Third countries do not have access to the I-Map and unanimity of all partner States is required in order for a third country to gain access. Maintaining the I-Map is cost and labour-intensive and requires timely and accurate information from partners. The provision on protection aspects in the MTM I-Map layer on irregular migration could still be strengthened.

E Further information is available at <http://www.imap-migration.org/>.

Additional example: UNHCR and University of Neuchâtel Agreement

To improve the organization's data collection and analysis mechanisms in North Africa, UNHCR in cooperation with the University of Neuchâtel developed a joint research project which will review whether and to what extent information the Office gathered during the refugee status determination and other procedures can be used to obtain information on the causes of flight, conditions of travel, and possibilities for local integration. The project will also examine UNHCR's data collection mechanisms and recommend improvements.

Selected international migration databases and datasets**3****UN/DESA****➔ Global Migration Database** (<http://esa.un.org/unmigration/>)

A comprehensive collection of publicly available empirical data on the number ("stock") of international migrants by country of birth and citizenship, sex and age as enumerated by population censuses, population registers, nationally representative surveys.

➔ International migration flows to and from selected countries: The 2005 revision

http://www.un.org/esa/population/publications/migration/UN_Migrant_Stock_Documentation_2005.pdf. Inflows, and where available outflows and net flows, of international migrants in 15 countries by detailed country-of-origin and year-of-arrival/departure information.

➔ World Migrant Stock: The 2005 Revision – Database

<http://esa.un.org/migration/>. Global estimates of the total number of international migrants by country of destination and sex, 1960 – 2005.

UNHCR**➔ UNHCR Statistical Yearbook and Population Database**

<http://www.unhcr.org/statistics.html>. A comprehensive overview of annual stocks and flows of asylum-seekers, refugees and other persons of concern to UNHCR.

➔ **Asylum Levels and Trends in Industrialized Countries**

<http://www.unhcr.org/statistics.html>. A semi-annual report documenting detailed asylum flows in 44 countries.

Other

➔ **International Migration Outlook 2008**

http://www.oecd.org/document/3/0,3343,en_2649_33931_41241219_1_1_1_1,00.html. An annual publication providing comprehensive immigration data and trends in OECD countries.

➔ **Database on Immigrants in OECD countries (DIOC)**

http://www.oecd.org/document/5/0,3343,en_2649_33931_40644339_1_1_1_7415,00.html. A comprehensive and comparative source of information on a broad range of demographic and labour-market characteristics of immigrants living in OECD countries.

➔ **MPI Data Hub: Migration facts, stats and maps**

<http://www.migrationinformation.org/DataHub/> Interactive tools to provide easy access to immigration data (stock, flow, net migration, asylum, and naturalization data) over time and to generate instant charts.

➔ **The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), Demographic and Economic Database**

<http://www.carim.org/index.php?areaid=4&contentid=5>

Standardized tabulations on stocks and flows, asylum, naturalization, labour migrants, students and remittances.

Eurostat is the Statistical Office of the European Communities situated in Luxembourg. Its task is to provide the European Union with statistics that enable comparisons between countries and regions. Eurostat also offers statistical data about asylum-seekers and decisions on asylum applications. In order to ensure the best possible quality in both deontological and professional aspects, Community statistics are governed by the principles of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency.⁵

⁵ Principles Art. 10 Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics, Official Journal L 052, 22/02/1997 P. 0001 – 0007.

UNHCR Support Available

UNHCR may assist partners by:

- Lobbying for inclusion of information on refugees and other persons of concern in data collection and analysis;
- Contributing anonymous information obtained from its own processes and procedures, including its ProGres⁶ database, to the data collected;
- Helping to develop common understandings and procedures for data collection and analysis;
- Initiating or facilitating data collection projects on mixed migration.

⁶ UNHCR Registration database ProGres collects, stores, updates and manages refugee data as part of an “integrated population information-management strategy”, from initial displacement to the provision of durable solutions.

List of Annex and Selected References

Annex

UNHCR, Population Movement Tracking initiative. FAQs, November 2007, Reporting Form and Sample Map, December 2008.

Selected References

Parker, J., *International Migration Data Collection*, Paper for the Policy Analysis and Research Programme for the Global Commission on International Migration (2005) on common terms and methodologies of data collection.

IOM, ASEAN and trafficking in persons using data as a tool to combat trafficking in persons, 2007.



Protection-sensitive entry systems

3

Contents

1 Communicating protection obligations to entry officials

Practical examples

- The Schengen Border Code and Handbook
- UK Border Agency Code of Practice for Keeping Children Safe From Harm
- Handbook of good practices related to asylum at the borders, Romania
- Directive of the Director General on the Procedures Regarding Aliens Expressing their Wish to Seek Asylum or Refugee Status, Indonesia
- The New Zealand Immigration Operational Manual
- 2005 Law on Refugees and Code for Administrative Offences, Ukraine

2 Providing training

Practical examples

- Joint capacity-building initiative for border police and migration officials, UNHCR Costa Rica and UNHCR Panama
- List of further examples of training programmes from various regions

3 Establishing dialogue and cooperation arrangements between entry officials and humanitarian actors

Practical examples

- Tripartite Memorandum of Understanding on Border Management, Hungary
- Protection within Broader Migration Flows – Joint IOM/UNHCR border project, Angola
- Cooperation on protection between UNHCR and the Canadian Border Services Agency
- Joint UNHCR – Costa Rica Ombudsman Office initiative to promote refugee protection at the border with Panama

4 Assisting entry officials in identifying and referring asylum-seekers and other persons with specific needs to the responsible authorities

Practical examples

- Practical Guide for the Identification and Treatment of Asylum-seekers, Colombia
- UNHCR Handbook on Refugee Protection in Central America, Mexico
- Save the Children UK: Guide for immigration officers at ports of entry and establishment of “Young Person’s Adviser”

5 Including carriers and other private actors in the protection strategy

Practical example

- Aliens Circular of the Netherlands

6 Ensuring cross-border cooperation on protection

Practical examples

- Soderkoping process (see Chapter I)
- Cross-border cooperation and monitoring among humanitarian actors of several central European countries (see Chapter VIII)

7 Setting up independent monitoring mechanisms

Practical examples

- UK Border Agency Independent Chief Inspector
- Monitoring in the context of the US “Expedited Removal Procedure”

Further examples in the text

Within the limits of international law, States have the sovereign right to choose whom to admit, exclude and expel from their territory. They have a legitimate interest in controlling unauthorized entry and preventing smuggling and trafficking of persons onto their territory. The procedures and practices used by States to regulate access to their territory are referred to in this Chapter as “entry systems”.

This term has been used because it has a broader meaning than the commonly used term “border control”. It captures the fact that regulations concerning access to territory have undergone important changes and now include activities that do not take place at the physical border. Interception operations, measures to directly or indirectly prevent, interrupt or stop individuals from reaching and/or entering a territory, remain an important entry-management tool, but they are increasingly applied outside a State’s own territory, on the high seas and on the territory of third States. Other measures to control movement outside a country’s borders include cooperation with third States, out-posting of immigration officials, and the delegation of certain immigration control functions to private actors by using carrier sanctions.

Entry systems can raise protection concerns. If applied indiscriminately, some procedures can adversely affect individuals’ ability to seek asylum and to access mechanisms to address their protection needs. Accordingly, the 10-Point Plan, advocates the establishment of “protection-sensitive” entry systems. These are systems that take into account people’s protection needs and the duty of States to respect their obligations under international human rights and refugee law, including the principle of non refoulement. Protection-sensitive entry systems ensure that legitimate measures to control entry are not applied arbitrarily and that they allow for asylum-seekers and other groups with specific protection needs to be identified and granted access to a territory where their needs can be properly assessed and addressed.

Government officials who work in entry systems (“entry officials”) include border police, immigration officials, including out-posted immigration and airline liaison officers, coastguard personnel and others who have “first contact” with arrivals in the entry system. However, the term “entry officials” should also be read to include legislators, policy makers, civil servants and administrators who establish the relevant framework of law and policies governing the entry system. Private actors such as carriers can also be important actors in an entry system.

The practical suggestions that follow include recommendations made at the “10-Point Plan Expert Round Table No.1: Controlling Borders while Ensuring Protection”, which was held in Geneva on 20–21 November 2008.¹

¹ The report of the Roundtable and all related documentation is available at <http://www.unhcr.org/4a27bf566.html>.

1

Communicating protection obligations to entry officials

International protection obligations are most commonly included in the relevant legal framework governing asylum and immigration. However, this body of law may not always be consulted by entry officials, especially by those border guards who have first contact with intercepted persons and/or arrivals. Incorporating protection obligations into the specific legislation that governs entry systems, such as border codes, can be a first step towards ensuring that entry officials who are not refugee or human rights experts are aware of such obligations and how they apply to their work.

In addition to general references to the need to respect international obligations, border codes could include specific examples and/or a list of basic principles so that border guards will know how to respond in certain situations. For example, border codes could systematically specify that there are exemptions to entry requirements (travel documents, visas, etc.) for asylum-seekers and clarify that asylum-seekers should not be punished for illegal entry.²

Operational guidelines can assist to translate legal responsibilities into practice and to integrate protection-related functions into the border guards' work. Such guidelines may define the roles and responsibilities of entry officials and outline how they should respond to persons with international protection needs, including how to identify them and to whom they should be referred. They can also describe appropriate standards of treatment of intercepted persons and/or arrivals.

² Reference to Article 31 of the 1951 Convention relating to the Status of Refugees.

THE SCHENGEN BORDER CODE AND THE SCHENGEN HANDBOOK, 2006

The European Union Community Code on the rules governing the movement of persons across borders ("Schengen Border Code"), which is legally binding and directly applicable in all EU Member States, refers to international protection obligations and provides Member States with the option to waive entry requirements.

A The Schengen Border Code:

- Obliges border guards to respect human dignity when carrying out border checks (Art. 6);
- Includes a safeguard clause to ensure that the application of the code respects the rights of asylum-seekers and refugees (Art. 3b);
- Offers the possibility to apply exceptions to the prescribed entry conditions on humanitarian grounds or because of international obligations (Art. 5c);
- Underlines that refusal of entry has to comply with the "right to asylum and to international protection" (Art. 13, para 1).

On the basis of the Border Code, in 2006 the European Commission developed a Practical Handbook for Border Guards ("Schengen Handbook") that provides non-binding guidance on different aspects of border management. The Handbook has a specific chapter on "asylum-seekers/applicants for international protection".

B The Schengen Handbook:

- Provides information on who is an asylum-seeker;
- Clarifies that persons who want to seek asylum must be given the opportunity to do so and should be provided with information about the procedure to be followed;

- Emphasizes that asylum-seekers must be referred to the responsible expert authority;
- Emphasizes that asylum-seekers should not be returned without consulting with the responsible asylum authority.

While recognizing protection obligations in the context of border control, the Border Code does not provide detailed guidance as to how to translate these into practice.³ The Handbook provides some explanation, however it does not sufficiently clarify the procedures to be followed for identifying and referring asylum-seekers. It is not legally binding on Member States, but the national laws of many Member States contain similar provisions.

The Council of the European Union Regulation (EC) No 562/2006 of 13 April 2006 on a *Community Code on the rules governing the movement of persons across borders* – Annex 1

Also available at <http://www.unhcr.org/refworld/docid/47dfb0525.html>.

The Commission Recommendation 06/XI/2006 of 6 November 2006 establishing a common *Practical Handbook for Border Guards* (Schengen Handbook) – Annex 2

Also available at: http://ec.europa.eu/justice_home/doc_centre/freetravel/rights/doc/C_2006_5186_F_en.pdf.

³ For more information on additional safeguards, see UNHCR response to the European Commission's Green Paper on the future of the Common European Asylum System, available at <http://www.unhcr.org/refworld/docid/46e159f82.html>.

UNITED KINGDOM BORDER AGENCY (UKBA) CODE OF PRACTICE FOR KEEPING CHILDREN SAFE FROM HARM, 2009

The Code of Practice, a result of consultations held in April 2007, is designed to ensure that in exercising its daily functions, the UKBA takes appropriate steps to ascertain that all arriving children, regardless of whether they are seeking asylum, are safe from harm while in the UK. The Code is issued under section 21(1) of the UK Borders Act 2007. All UKBA staff must adhere to the Code, which outlines how children should be treated at ports of entry, during any stay in detention and while being transferred into local authority care.

The Code of Practice contains the following obligations for UKBA staff:

- Applying fair treatment that meets the same standard a British child would receive;
- Making the child's interests a primary, although not the only, consideration;
- Imposing no discrimination of any kind;
- Having children's asylum applications dealt with in a timely fashion;
- Identifying those children who might be at risk of harm;
- Making referrals where appropriate and cooperating with other agencies;
- Providing child-focused sensitivity training for UKBA staff;
- Using oversight, monitoring and reporting to ensure accountability in the system.

The UK Border Agency Code of Practice for Keeping Children Safe from Harm, 2009 - Annex 3. Also available at:

<http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/keepingchildrensafefromharm>.

[Handbook of good practices related to asylum at the borders](#) was jointly published by the Romanian National Council for Refugees (CNRR), the Romanian Border Police, the Immigration Office and UNHCR. It provides detailed guidance to entry officials on the treatment of asylum-seekers. The information note is available in Annex 4.

2002 DIRECTIVE OF THE DIRECTOR GENERAL ON THE PROCEDURES REGARDING ALIENS EXPRESSING THEIR WISH TO SEEK ASYLUM OR REFUGEE STATUS, INDONESIA

Although Indonesia is not a signatory to the 1951 Convention relating to the Status of Refugees, the Director General of Immigration has adopted a directive that enumerates the duties of the Coordinators of Immigration Affairs/Head of Immigration Affairs and Head of Immigration Offices throughout Indonesia concerning asylum-seekers and refugees. Since the directive was adopted, the Directorate General of Immigration has been cooperating closely with UNHCR by referring asylum-seekers to UNHCR for processing. The Directive is in force nationwide and is binding on all Immigration Officials in Indonesia.

The Directive establishes that:

- Immigration measures such as deportation to a country where a person's life or freedom may be threatened shall not be applied to aliens who seek asylum in Indonesia.
- Aliens who seek asylum or refugee status in Indonesia will be referred to UNHCR for refugee status determination.
- In cases where aliens who seek asylum are at immigration checkpoints that are far from a UNHCR office, immigration officials shall coordinate with UNHCR as appropriate.
- The status and presence of aliens holding Attestation Letters issued by UNHCR, declaring that they are asylum-seekers, refugees or persons of concern to UNHCR, must be respected.
- Asylum-seekers and refugees who break the law must be processed in accordance with the relevant regulations.
- The Head of Immigration Office or the designated officers shall register the presence of aliens for monitoring purposes.

Further information

The Directive is available in Annex 5 and at:

<http://www.unhcr.org/refworld/country,,NATLEGBOD,,IDN,4562d8cf2,3ed8eb5d4,0.html>.

NEW ZEALAND IMMIGRATION OPERATIONAL MANUAL, SECTION: BORDER ENTRY, MARCH 2009

Section Y 7.1 of the Manual (claims for refugee status at port of entry) reiterates New Zealand's responsibility to admit asylum-seekers to its territory and provide them with access to the asylum procedure. It provides practical guidance to border officials on how to handle people who wish to claim refugee status. It also provides a list of statements that indicate an intention to seek asylum. "People may express an intention to seek refugee status in a variety of ways, including, but not limited to, statements of the following kind":

- They have been persecuted; or
- They are in fear of being persecuted; or
- They have been imprisoned for political reasons; or
- They are afraid of being imprisoned in their home country; or
- They want to “see the United Nations” (i.e. UNHCR); or
- They want to know if there is a United Nations office in New Zealand; or
- They are “stateless” or “homeless”; or
- They want to see a lawyer; or
- They are afraid to return to their home country; or
- They will be killed if they are returned home; or
- They simply “do not want to return”.

The Manual is available in Annex 6 and at:

<http://www.immigration.govt.nz/NR/rdonlyres/731882A3-EBAF-446E-AEE6-EC653C7D1B50/0/BorderEntry.pdf>.

2005 LAW ON REFUGEES AND CODE FOR ADMINISTRATIVE OFFENCES, UKRAINE

The 2005 Law on Refugees provides that persons who attempt to cross or have crossed the border of Ukraine illegally with the intention of acquiring refugee status shall be exempt from criminal and administrative liability for those actions if they apply for refugee status without delay (Art. 9, Para 4).

Similar provision is made in the Code of Ukraine for Administrative Offences (Art. 203). This provision, however, only applies to people who have requested asylum within three to five days after arrival.

The 2006 Belarusian Border Guard Internal Manual for Investigation of Cross-Border Incidents includes specific instructions on work with asylum-seekers.

The Joint Instruction of the State Committee of Ukraine for Nationalities and Migration and Administration of the State Border Service of Ukraine (*SCNM/ SBS Instruction on Hand-Over of Asylum Applications No. 32/521 of 9 July 2004*) instructs border guards to transfer asylum applications to the Migration Service body within 24 hours of submission. The instruction also provides for translation of the application and lists standard information that must be provided in the application to the asylum authority.

Providing training

Regular training both for low level and more senior entry officials helps to ensure broad awareness of relevant laws, regulations and guidelines and *savoir faire* to implement them in practice. Training can be conducted in specialized sessions on international human rights and refugee

law, or as a part of the general training curriculum.⁴ Refresher courses keep officials up to date on developments in law or policy.

In some situations, such as when there is a high turnover of staff or regular rotation policy, training is a constant process. Joint training sessions involving officials from different countries may provide an opportunity to exchange experiences and best practices. Training on protection issues is most effective when it takes into account the institutional culture of the relevant agency (e.g. law or immigration enforcement, with a military or security focus). In addition to basic international human rights and refugee law, training can cover psycho-social skills, such as conflict- and stress-management skills and culturally sensitive interview techniques.

Training sessions offered by protection agencies provide an opportunity for dialogue and exchange between entry officials and the humanitarian community and help to build trust and mutual understanding. Training entry officials is part of the regular protection work of UNHCR and its partners in many countries.

⁴ Executive Committee Conclusion No. 97 (LIV) paragraph (a)(viii), Protocol against the Smuggling of Migrants, Article 14(1).

JOINT CAPACITY-BUILDING INITIATIVE FOR BORDER POLICE AND MIGRATION OFFICIALS, COSTA RICA AND PANAMA, 2007-2009

A *Background and Rationale*

Given the permeability of the border between Panama and Costa Rica, irregular movements regularly occur. Groups of migrants consist primarily of nationals of both countries, but they also include asylum seekers from third countries, particularly from Colombia. To ensure that such persons are identified and referred to the responsible asylum authorities, UNHCR offices in both countries began a joint training programme for Panamanian and Costa Rican entry officials in 2006.

B *Actors*

- Panama and Costa Rica “first contact” entry officials (border guards and immigration officials)
- UNHCR Costa Rica
- UNHCR Panama

C *Actions*

- “First-contact” entry officials from northern and southern entry points between Panama and Costa Rica and from international airports in both countries are invited to a training session organized by both offices three to four times per year. Costa Rica organized and facilitated three bi-national workshops in 2007 and two in 2008. Similar initiatives will continue in 2009.
- An informal referral mechanism was instituted whereby entry officials contact the respective UNHCR offices when they identify persons seeking international protection.
- UNHCR Costa Rica concluded a specific agreement with the Costa Rica Ombudsman Office at the southern border according to which the Ombudsman deploys a liaison officer to whom the national authorities can refer individuals at the border who claim to have international protection needs. This liaison is in permanent contact with the UNHCR protection unit in San Jose.

D Review

As a direct result of this joint capacity-building initiative, UNHCR improved communication with reception authorities in the border region between Panama and Costa Rica. This has resulted in an increase in the number of cases of persons seeking international protection identified and referred to UNHCR Offices in both Panama and Costa Rica. Authorities at entry points also contact UNHCR offices to clarify procedures concerning recognized refugees or asylum-seekers who move between both countries.

In addition to the joint initiatives, UNHCR offices in Panama and Costa Rica conducted awareness-raising sessions in their respective countries and trained more than 700 immigration and border police officials in protection-sensitive entry procedures.

- The UNHCR office in **Japan** organizes regular workshops on refugee and human rights law for national police officers.
- In 2007 the UNHCR office in **Kazakhstan** designed training programmes for the national Border Guard Service.
- The EU Border Management Programme for **Central Asia** (BOMCA) – UNHCR Training Component includes specialized training on international refugee and human rights law (more information available at <http://bomca.eu-bomca.kg/en/about>).
- The UNHCR offices in **South Africa** and **Venezuela** organize training sessions for entry managers at all levels, including immigration and police officers.
- The UNHCR office in **Zambia** collaborates with the National Commissioner for Refugees and IOM to provide training sessions to national authorities, including Department of Immigration, Provincial and District Operations Committees, the Army, the police and prisons officers, on protection-sensitive entry systems.
- Training is a component of the “Pre-screening of asylum-seekers and migrants” project in **Albania** (see example 35, Chapter V).
- UNHCR and Garda Human Rights jointly provide training for immigration police in **Ireland**.
- In 2002, UNHCR **Turkey** and the Gendarmerie General Command (GGC) of the Republic of Turkey signed a cooperation agreement on training GGC staff on refugee and asylum issues. Under this agreement, UNHCR and GGC have organized seven joint trainings and seminars for officials of the Gendarmerie, Coast Guards and Land forces.

Establishing dialogue and cooperation arrangements between entry officials and humanitarian actors

3

The following examples demonstrate the ways in which entry officials and humanitarian actors can work together to identify and address shortcomings in the relevant mechanisms to identify people in need of international protection. In some countries, entry officials and humanitarian actors have established a formal dialogue based on specific agreements or projects and by establishing working or coordination groups or specific consultation processes. These arrangements include training and monitoring components.

TRIPARTITE MEMORANDUM OF UNDERSTANDING ON BORDER MANAGEMENT HUNGARIAN BORDER GUARDS, HUNGARIAN HELSINKI COMMITTEE AND UNHCR HUNGARY, 2006

A *Background and Rationale*

A tripartite Memorandum of Understanding (MoU) was signed by the Hungarian Border Guards, the Hungarian Helsinki Committee and UNHCR on 28 December 2006. The MoU formalizes the cooperation, roles and responsibilities, and working methodologies among the actors in the area of border management.

B *Actors*

- Hungarian border guards succeeded by the National Police Headquarters (NPH)
- Hungarian Helsinki Committee (HHC)
- UNHCR

C *Actions*

The MoU:

- Clarifies the protection responsibilities of the border guards;
- Reiterates UNHCR's right to have access to and intervene on behalf of persons falling under its mandate;
- Establishes a monitoring framework with specific responsibilities allotted to all three actors in that framework:
 - ✓ The Hungarian Border Guards/NPH provide UNHCR and the HHC access to the entry points, detention facilities and other locations, as well as to records of arrivals, justifications of (refusal of) entry and other data;
 - ✓ UNHCR ensures coordination and mobilization of funds;
 - ✓ The HHC undertakes monitoring activities.
- Establishes a Tripartite Working Group to oversee the implementation of the agreement and follow-up on the results of monitoring exercises;
- Includes the possibility of organizing joint educational and awareness-raising activities.

The first monitoring activities were undertaken in 2008 and an annual report with follow-up recommendations was published.

D *Review*

- The MoU formalized cooperation among the parties and established a framework for ongoing dialogue. It helped to increase mutual understanding and transparency, develop confidence and to identify and address training needs as well as the need for changes to existing laws. The MoU improved asylum-seekers' access to the territory and to asylum procedures. It facilitated UNHCR's and the HHC's access to persons of concern and to data related to the border. It enabled the identification of trends and patterns in the movements and profiles of persons of concern.
- Similar MoUs have been concluded in other Central European countries (Belarus, Slovakia, Slovenia and Romania) and others are in the process of being concluded (Bulgaria, Czech Republic, Poland).

E *Further information*

- Tripartite Memorandum of Understanding on Modalities of Mutual Cooperation and coordination to support the access of asylum-seekers to the territory of, and the asylum procedures of, the Republic of Hungary, December 2006 – Annex 7
- Hungarian Helsinki Committee: Asylum-seekers' access to territory and to the asylum procedure in the Republic of Hungary. Report on the border-monitoring programme's first year in 2007, December 2008 – Annex 8
- Memoranda of Understanding Belarus, Slovakia, Slovenia and Romania – Annexes 9 and 10.

PROTECTION WITHIN BROADER MIGRATION FLOWS JOINT IOM/UNHCR BORDER PROJECT ANGOLA, 2007

A *Background and Rationale*

Based on the 10-Point Plan framework, the project aims to improve the capacity of the Angolan Government to manage mixed migration at borders through training and joint monitoring, and by setting up differentiated procedures for arrivals. While UNHCR is focusing on aspects related to refugee protection, IOM is contributing its expertise in the area of migration management.

B *Actors*

- IOM
- “Servico de Migracao e Estrangeiros” (SME - Angolan Department of Immigration)
- UNHCR

C *Actions*

The project includes the following activities:

- Establishment of a Tripartite Coordination Board on protection-sensitive border management;
- Assessment of current border operations at several strategic sites (high-traffic areas);
- Training to SME officials in identifying and referring asylum-seekers and migrants with specific needs;
- Development of a referral system to allow authorities to identify asylum-seekers, victims of trafficking and others in need of international protection;
- Development of effective procedures for processing of asylum claims and other cases and for return management;
- Assistance to the Angolan Government in implementing and operationalizing its new Immigration Act (effective 1 November 2007).

D *Review*

Three training sessions were completed. Some 335 officials from the SME were sensitized and trained in the regulations, modules and migration policies required to establish an efficient system of protection-sensitive border management. The sessions reinforced collaboration between local Angolan authorities and the Legal Aid and Reintegration

Centres led by the Jesuit Refugee Service, an NGO providing free legal assistance to refugees and asylum-seekers in Angola. The training sessions also provided a forum for exchanging ideas, best practices and experiences.

The trainings were successful to the extent that the Government asked IOM and UNHCR to conduct a training session in Luanda Norte at a time when large numbers of illegal migrants were expelled from this province.

In the next training sessions the partners will attempt to include a broader range of Government partners and to extend the training to other national institutions, such as the Bar Association and the University of Law, and to officials from different departments of the Ministry of Justice. The partners are also considering developing guidelines on effective border management for officials from the SME. More confidence-building will be necessary to establish a constructive dialogue and working relationship with Angolan entry officials which will allow for the organization of field-assessment missions.

The project has been replicated in Zambia.

COOPERATION ON PROTECTION, UNHCR AND THE CANADIAN BORDER SERVICES AGENCY, 2006

A *Background and Rationale*

Although there is no formal agreement between the Canadian Border Services Agency (CBSA), UNHCR and the NGO community, there is a high degree of engagement and exchange among these actors.

B *Actors*

- Canadian Border Services Agency (CBSA)
- Citizenship and Immigration Canada (CIC)
- Immigration and Refugee Board (IRB)
- NGOs
- Pro-bono law firms
- UNHCR

C *Actions*

- Regular dialogue, information-sharing;
- Development of training manual and joint training sessions;
- Monitoring of high-volume land and airport entry points and detention centres;
- Specific monitoring role under the Canada-USA Safe Third Country Agreement – submission of UNHCR monitoring report in 2006 (<http://www.unhcr.org/home/PROTECTION/455b2cca4.pdf>);
- Support from NGOs in processing asylum claims at ports of entry, providing shelter and other services, and advocating for both individual asylum-seekers and for access to procedures and policies;
- Promotion of pro bono monitoring by university students;
- Facilitate guardian ad litem process for unaccompanied minors and others with special needs through pro bono legal services;

- Limited and ad hoc post-admission interviews/reviews with asylum-seekers subsequent to entry procedures to assess treatment and perceptions from the perspective of the individual claimant;
- Engagement of Canadian and USA-based NGOs in relation to common border issues.

D. Review

Intensive engagement of UNHCR and government staff creates a healthy working environment where problems are more easily addressed and protection is strengthened through cooperative efforts. UNHCR interventions are frequently less formal and more effective and its recommendations are understood and respected by CBSA and CIC.

The high turnover rate of CBSA staff, however, requires continuous training. This is difficult for UNHCR to provide with the limited resources for monitoring and capacity-building available. To a certain degree this is being addressed through the engagement of Government, NGOs and civil society on protection issues which occurs with limited UNHCR facilitation or independent of UNHCR operational involvement.

Nevertheless, some instances of return from Canada to the USA, outside of the STCA framework have occurred. Further, asylum-seekers may be detained upon arrival and, due to limited space in CBSA-run facilities, in provincial prisons where they are mixed with criminal detainees, contrary to UNHCR policy guidance.

JOINT UNHCR–COSTA RICA OMBUDSMAN OFFICE INITIATIVE PROMOTING REFUGEE PROTECTION AT THE BORDER WITH PANAMA, 2008

A. Background and Rationale

Some 80% of the people who seek asylum in Costa Rica arrive irregularly through the land border with Panama. With only three migration checkpoints on the Costa Rican side of the 390 km border, it is as easy for human traffickers, smugglers and traders of illicit goods to enter the territory as it is for people in need of international protection.

Following a strategic and fruitful alliance with the Ombudsman, in 2008 UNHCR and the Ombudsman agreed to expand their partnership to the southern border, supporting and strengthening the local capacities in areas such as refugee protection, sexual and gender-based violence (SGBV) and prevention of HIV/AIDS and other sexually transmitted infections (STI).

Under this partnership, UNHCR has a permanent liaison officer at the regional Ombudsman office in Ciudad Neilly, some 20–30 minutes away from the border. This presence has allowed for a permanent dialogue with the local authorities, especially with migration officials and the police, and has resulted in greater coordination in several asylum-seeker cases.

B. Actors

- Costa Rica Ombudsman Office
- UNHCR

C. Actions

- The presence of a liaison person in the regional office of the Ombudsman in Ciudad Neilly has helped to raise awareness about asylum, HIV, STI and SGBV-related procedures.

- Activities included trainings, community visits, border-monitoring missions, public-awareness campaigns, health fairs and working with the media.

D Review

Local capacities have been strengthened through alliances that include three different local protection networks. Constant dialogue was maintained with the Migration Office at the border and the police and awareness was raised on refugee protection, SGBV and HIV/AIDS and STI-related issues.

While relations with the migration and police authorities are very good, the coordination mechanisms could be further enhanced through increased confidence-building activities. A bi-national initiative with the participation of the authorities of Panama could also strengthen the project.

Trade in illicit goods and organized crime at the border may threaten both the security of the liaison officer and the project itself. Despite its low cost, funds have yet to be identified for 2010 and beyond.

Cooperation between FRONTEX and UNHCR. Working Arrangements establishing a framework for cooperation between Frontex and UNHCR were signed in June 2008 in Frontex headquarters in Warsaw. The main objectives are exchange of information, expertise and experiences, in particular on mixed migratory movements towards EU Member States. Another key element is preparation of general and specific training materials and tools on international human rights and refugee law applicable to the context of border management.

Biannual inter-agency meeting between the central asylum authority (the State Committee for Nationalities and Religions) **and UNHCR in Ukraine** to address issues of border monitoring and irregular migration. The meetings are attended by the asylum authorities, law enforcement officials, border guards, NGOs, UNHCR and IOM. A Plan of Action was adopted and implemented in 2008.

Protection-sensitive borders project of UNHCR and the British Refugee Council, in close cooperation with the United Kingdom Border Agency.

Border-monitoring project in Croatia, in cooperation with the Dutch Council for Refugees, the Croatian Law Centre and Croatia Ministry of Interior (see summary and further information in Annex 11).

Assisting entry officials in identifying and referring asylum-seekers and other persons with specific needs to the responsible authorities

Entry officials are often the first to come into contact with persons who may have international protection needs, and to decide whom to intercept and whom to allow access to the territory. In short, they are the “gatekeepers” to the procedures through which protection claims are assessed.

Entry officials are not responsible for making substantive decisions on the merits of asylum claims and/or other needs; and they should not be entrusted with this responsibility, either by law or in practice. This is because they generally do not have the relevant expertise, and lack the time and access to the information necessary for a proper assessment of protection claims. Their responsibility is to identify and refer asylum-seekers and other persons who may have specific needs to the responsible authorities.

In mixed groups of arrivals, identifying individuals who need protection is not always easy. A profiling-and-referral exercise (see Chapter V) undertaken by entry officials, with or without the support of other actors, could facilitate this task. Some countries have developed specific tools to assist entry officials in this work.

PRACTICAL GUIDE FOR THE IDENTIFICATION AND TREATMENT OF ASYLUM-SEEKERS, COLOMBIA, 2007

A *Background and Rationale*

In 2007, UNHCR, the Government of Colombia (Ministry of Foreign Affairs, Vice-Ministry of Multilateral Affairs) and the Social Ministry of the Church (SNPS – “Secretariado Nacional de Pastoral Social”) jointly developed a practical guide (hereafter Guide) for officials of the Administrative Department of Security responsible for migration control (“Departamento Administrativo de Seguridad”, DAS) in order to facilitate the identification of asylum-seekers and the processing of asylum claims.

B *Actors*

- “Departamento Administrativo de Seguridad” (DAS)
- “Secretariado Nacional de Pastoral Social” (SNPS)
- UNHCR
- “Vice-Ministerio de Asuntos Multilaterales” (Vice-Ministry of Multilateral Affairs)

C *Actions*

- The Guide provides a short introduction on the right to seek asylum and some basic principles of the 1951 Convention, such as the principle of *non refoulement*, non-penalization and the right to be issued documents.
- It emphasizes the importance of training immigration officers so that they can respond efficiently to asylum-seekers and refer them to the competent authority for examination and determination.
- The Guide sets out a series of questions to identify people seeking international protection. These questions include:
 1. *Why did you leave your country of origin?*
 2. *Under what circumstances or events did you leave you country of origin?*
 3. *Did someone or something force you to leave your country?*

4. *What problem would you fear if you had to return to your country?*

5. *What would happen to you if you were to return to your country at this time?*

- The Guide also provides some sample answers that would indicate that an individual is an asylum-seeker and provides information on where asylum-seekers should be referred and on applicable standards of treatment.

D *Review*

The Protocol has so far been used in training activities with migration officials and as reference document for referrals at border points. It will be published as a leaflet with the logo of all institutions involved and distributed at all border points during the second half of 2009.

E *Further information*

“Guía Practica para funcionarios de DAS – Recomendaciones de tratamiento ante Solicitantes de la Condición de Refugiado”, September 2007 – Annex 12

UNHCR Handbook on Refugee Protection in Central America, Mexico

This Handbook has been designed for immigration officials in Central America. It includes information on identification of asylum-seekers, victims of trafficking, and victims of gender-based violence, as well as details on referral mechanisms and procedures. The Handbook also provides a list of useful contacts in each country in the region (relevant governments' entities and NGOs).

SAVE THE CHILDREN UK GUIDE FOR IMMIGRATION OFFICERS AT PORTS OF ENTRY (2003) AND YOUNG PERSON'S ADVISER (2001-2008)

A *Background and Rationale*

The 2003 guide issued by the British non-governmental organization “Save the Children UK” is designed to assist immigration officers working at UK ports of entry in working with unaccompanied, asylum-seeking children. It answers frequently-asked questions about asylum-seeking children and provides recommendations and information on how to handle unaccompanied children upon arrival. The Guide also provides contact details and information about the Young Person's Adviser.

The post of Young Person's Adviser was established in 2001 for Heathrow and other UK airports by two NGOs, the Refugee Arrivals Project and Save the Children. The Young Person's Adviser provided support to unaccompanied, asylum seeking children and trained and advised immigration officers, social services personnel, voluntary staff and other professionals working with unaccompanied, asylum seeking children.

The objective of both projects is to help immigration officials identify those young people who might need international protection and refer those individuals to the asylum authorities.

B *Actors*

- Refugee Arrivals Project UK
- Refugee Council UK
- Save the Children UK

C *Actions*

The Guide has been distributed to the agencies listed above and to immigration officers at the airport.

The Young Person's Adviser

- Provides direct support to particularly vulnerable unaccompanied, asylum-seeking children who arrive at Heathrow airport;
- Trains immigration officers, social services and voluntary staff on how to provide appropriate support to unaccompanied, asylum-seeking children on arrival;
- Provides advice and support to immigration officers at Heathrow and social workers at Hillingdon to ensure appropriate referrals are made and that the young people receive the right type of support;
- Offers telephone advice to professionals working with children at other ports of entry in the UK;
- Provides support in age-dispute cases, ensuring that the young person understands what is happening and that a fair assessment is conducted.

D *Review*

In the first six months, the Young Person's Adviser project provided support to 87 unaccompanied children seeking asylum, from the age of six, either directly or by providing advice to social workers and immigration officers on particular cases.

The project was implemented in UK airports and therefore, it did not reach children who arrive over land. The project ended in June 2008 due to lack of funding.

E *Further information*

Save the Children: Young Refugees. Working with unaccompanied asylum-seeking children at ports, 2003 – Annex 13

Explanatory leaflet for border guards in Belarus. The leaflet focuses on all protection-related issues and provides definitions and instructions on how to work with asylum-seekers and persons with specific needs. Leaflets with information on asylum procedures are available in different languages at border points.

5

Including carriers and other private actors in the protection strategy

Many States impose sanctions on carriers for transporting non-nationals without proper travel documentation to their territory. As a result, carriers may be required to deny embarkation to irregular travelers, an obligation they might implement regardless of any potential protection needs. A protection-sensitive entry system could ensure that legislation imposing sanctions on carriers contains exemptions for transporting an improperly documented person if that person applies for asylum at the point of entry. States may allow carriers to refer unauthorized and undocumented asylum-seekers to local authorities whenever the country is a State Party to the 1951 Convention relating to the Status of Refugees and has a functioning asylum system in place; or to officials of the destination State located in the country of departure, such as airline liaison officers, out-posted immigration or asylum officials, the local embassy or consulate, or to relevant international organizations or NGOs.

Carriers and other private actors involved in entry management could be included more broadly in States' protection strategies:

- States can provide carriers with guidelines on practical measures for handling unauthorized and undocumented passengers, including contact points with asylum or immigration authorities in the prospective destination State or, where appropriate in the country of departure.
- States may encourage carriers to adopt an internal code of conduct for handling persons seeking international protection among unauthorized and undocumented passengers.
- Carriers can be included in protection training sessions for State entry officials or specific protection training events could be arranged for them.
- The framework for monitoring protection safeguards in entry systems can extend to carriers.

Aliens Circular of the Netherlands (2000)

The Aliens Circular of the Netherlands makes explicit how carriers should handle travel requests of people who are seeking asylum:

A2. 7.1.5 When a carrier during identity control is confronted with an individual who is not or not properly documented, he is under no obligation to transport this individual. In case the alien declares his/her life is in direct danger in the country from where (s)he wishes to depart, the carrier may refer the alien to the Dutch representation in order to apply for asylum there. When the carrier in such circumstances considers transporting the alien, the carrier must contact the Immigration and Naturalisation Service (*Immigratie en Naturalisatie Dienst, IND*). The Director of the IND will decide if the alien concerned can be transported to the Netherlands, despite the lack of appropriate travel documents. When a carrier has transported an alien without documentation or proper documentation to Dutch territory, but has done so with prior authorization of the responsible official, there is no obligation to return the alien, nor will the report be deposited of the suspected offence of Article 4 of the Alien Law. The carrier must submit properly in writing the facts and circumstances as relayed by the alien.

6

Ensuring cross-border cooperation on protection

[The Soderkoping process](#) (See Chapter I).

[Cross-border cooperation and monitoring among humanitarian actors of several Central European countries](#) (See Chapter VIII).

Setting up independent monitoring mechanisms

7

Monitoring protection-related issues in entry systems has proven to be a useful mechanism for States to ensure that entry systems comply with protection goals. Monitoring can also help identify problems, gaps and training needs on protection issues, and provides a platform for dialogue among migration and border officials, asylum authorities, UNHCR and its NGO partners and other stakeholders.

A record-keeping system for new arrivals can facilitate monitoring and encourage entry officials to respect and uphold their protection-related responsibilities. Records should include basic biographical details (name, date and place of birth, nationality) as well as grounds for admission or refusal of entry, the names of relevant entry officials, referral procedures and any complaints.

Depending on the circumstances, the monitoring body could be composed of government authorities, international agencies, including UNHCR, NGOs or a mix of these actors. An agreement outlining respective responsibilities between entry authorities and the monitoring body could be concluded, including information and data sharing, and access to entry facilities.

Monitoring could include a periodic review of documentation and records on protection issues provided by entry officials and/or direct monitoring of the day-to-day implementation of protection safeguards through visits to border entry points, accompanying border/coast guard patrols and reviewing files and other material directly on site. Monitoring missions could be coupled with training exercises and sessions on protection issues. Monitoring processes are often concluded with a confidential or public report with the findings and recommendations of the monitoring mission.

Border monitoring is a component of all cooperation arrangements mentioned above.

UNITED KINGDOM BORDER AGENCY (UKBA) INDEPENDENT CHIEF INSPECTOR, 2007

A *Background and Rationale*

The post of Chief Inspector (CI) of the UKBA was created by the UK Borders Act 2007 to provide a transparent assessment of the UKBA and its services regarding the implementation of UKBA policies and objectives. The CI was established as an independent office and focuses on the overall efficiency and effectiveness of the Agency, the quality of decision-making in the Agency and among its contracted partners, how UKBA enforces immigration legislation and rules, how UKBA provides information, and how UKBA treats applicants and claimants. The CI will also monitor compliance of the UKBA with international standards.

B *Actors*

- Chief Inspector and Inspectorate
- UKBA

C *Actions*

The CI has the general duty to inspect and report on the functioning of the UKBA. He focuses on:

- Overall efficiency and effectiveness across UKBA's operations; quality of decision-making in the Agency and among its contracted partners; enforcement powers; access to information;
- Reviewing the processes involved in handling individual cases, including the availability of a complaint mechanism, the achievement of published service standards

for responding to queries, and the actions taken to improve the response to the complaints received;

- Examining UKBA goals and programmes to determine their effectiveness and compliance with international obligations;
- Extra-territorial border controls;
- Unannounced inspections at ports and embassies, including an examination of practices from which inspectorate recommendations are made and presented to the British Parliament.

D *Review*

Although it is still early to assess the added value of the Inspectorate substantively, it is expected that the independent new Inspectorate will provide more transparency, stronger oversight and accountability arrangements. The Inspectorate will provide an external review that will be independent of UKBA.

This new Inspectorate has yet to incorporate existing independent inspectorates, including the race, the certification and the accommodation monitors, as well as the complaints audit committee, and eventually the Independent Monitor of Entry Clearance Refusals without the Right of Appeal.

The work of the Advisory Panel on Country Information (APCI) was also transferred to the CI, who will review country information as part of his annual report to Parliament. Such restructuring may present organizational challenges.

E *Further information*

Briefing on the Chief Inspector of UKBA – Annex 14.

MONITORING IN THE CONTEXT OF THE US “EXPEDITED REMOVAL PROCEDURE”, 1996

A *Background and Rationale*

Since 2005, US law has allowed for the immediate removal of any person apprehended while attempting entering the United States by means of fraud or misrepresentation or without valid travel documents, or who is apprehended within two years of such unlawful entry (“expedited removal”). Individuals who are placed in expedited removal are removed without a hearing or review unless they express a desire to apply for asylum or a fear of persecution in their home countries. If they express such a desire or fear, they will be detained and referred for an interview with an examining officer to determine whether they have a “credible fear” of persecution. They are subject to mandatory detention unless and until they are found to have a “credible fear”. If a credible fear is established, they are then allowed access to regular asylum proceedings and are eligible for discretionary release from detention, with some notable exceptions. To demonstrate a “credible fear”, there must be a “significant possibility” that the individual would qualify for asylum in the United States.

Expedited removal is not subject to any judicial oversight, but the US Government has allowed some agencies, including UNHCR, to monitor the implementation of the procedure.

B *Actors*

- NGOs
- UNHCR
- US Commission on International Religious Freedom
- US Government, Department of Homeland Security (DHS)

C *Actions*

- Section 235.3 (b) of the Code of Federal Regulations requires the examining officer to create a record of the facts of the case and statements made by the asylum seeker.
- UNHCR has access to ports of entry and can provide the US Government with recommendations. NGOs also have access but it is more limited.
- UNHCR undertook and presented to the US Government a monitoring study in 2003 based on six months' field research at five major ports of entry. The report was followed by a series of technical meetings between UNHCR and the relevant DHS agencies. A number of the recommendations were adopted.
- The US Government has given a Commission a Congressional mandate to conduct monitoring of expedited removal proceedings. In 1998 the United States Congress passed a law establishing the United States Commission on International Religious Freedom (USCIRF) to monitor religious freedom in other countries and to advise the US Government on how best to promote it. The Congress later provided funding to the Commission to monitor the US expedited removal process. The Commission tasked some experts to prepare a comprehensive study which was released in February 2005. The study identified significant gaps in implementation of the process and included a number of recommendations to DHS.

D *Review*

The possibility given to UNHCR and other agencies to monitor the expedited removal procedure enables them to present information on the implementation of the procedure and to make concrete suggestions for improvements. Some of them have been taken up by the US Government.

E *Further Information*

Code of Federal regulations of the USA, Paragraph 235.3, Inadmissible aliens and expedited removal, December 2005 – Annex 15

United States Commission on International Religious Freedom (USCIRF): Report on Asylum-seekers in Expedited Removal, February 2005 – Annex 16

The information note, 10-Point Plan of Action for Refugee Protection and Mixed Migration for Countries along the Eastern and South Eastern Borders of European Union Member States, Point 3 – Protection-sensitive entry mechanisms: A compilation of government, international organization and NGO activities in the sub-region (Belarus, Moldova, Ukraine), March 2009, provides a comprehensive overview of the strategy and practical implementation of a protection-sensitive entry system in the region (see Annex 17).

Peace Institute Slovenia: Border Monitoring Methodologies, [Stakeholders' Manual for Establishing a Border Monitoring Mechanism](#), November 2006.

UNHCR Support Available

UNHCR may assist partners by:

- Providing expert advice to States on incorporating international human rights and refugee law into domestic legal regimes governing entry systems, and on developing guidelines, codes of conduct and training material;
- Resources permitting, offering training activities and sessions on refugee and human rights principles, in cooperation with States and other partners;
- Making Refworld (UNHCR's leading source of information for taking quality decisions on refugee status) available to entry officials;
- Resources permitting, helping to create a protection hotline by providing funding and/or training for staff;
- Enhancing coordination between entry officials and asylum authorities, including through agreements or memoranda of understanding regarding cooperation and information-sharing;
- Facilitating access to asylum procedures;
- Depending on the operation, acting as a referral point for persons with possible international protection needs;
- Providing advice on protection-related aspects of monitoring entry systems through formal agreements (e.g. memoranda of understanding) or more informally, together with NGO partners.

List of Annexes and Selected References

Annexes

- Annex 1:** European Union, Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), 15 March 2006. No. 562/2006, selected articles.
- Annex 2:** European Commission, Commission Recommendation 06/XI/2006 of 6 November 2006 establishing a common *Practical Handbook for Border Guards* ("Schengen Handbook").
- Annex 3:** United Kingdom Border Agency Code of Practice for Keeping Children Safe from Harm, 2008.
- Annex 4:** Romanian National Council for Refugees, Handbook of good practices related to asylum at the borders, 2004.

- Annex 5:** Directive of the Director General, Immigration Number F-IL.01.10-1297 on the Procedures Regarding Aliens Expressing their Wish to Seek Asylum or Refugee Status (Indonesia), 30 September 2002.
- Annex 6:** New Zealand Immigration Operational Manual, 2 March 2009, selected articles.
- Annex 7:** Tripartite Memorandum of Understanding on Modalities of Mutual Cooperation and Coordination to support the access of asylum-seekers to the territory of and the asylum procedures of the Republic of Hungary, December 2006.
- Annex 8:** Hungarian Helsinki Committee: Asylum-seekers' access to territory and to the asylum procedure in the Republic of Hungary. Report on the border monitoring programme's first year in 2007, December 2008.
- Annex 9:** Tripartite Memorandum of Understanding on Modalities of Mutual Cooperation and Coordination to support the access of asylum-seekers to the territory of and the asylum procedures of Romania, July 2008.
- Annex 10:** Tripartite Memorandum of Understanding on Modalities of Mutual Cooperation and Coordination to support the access of asylum-seekers to the territory of and the asylum procedures of the Slovak Republic, September 2007.
- Annex 11:** Border Monitoring Methodologies Stakeholders' Manual for Establishing a Border Monitoring Mechanism, November 2006, issued within the project "Protection of Asylum-seekers in the Republic of Croatia and the Region", coordinated by the Croatian Law Centre and supported by the European Commission, Peace Institute Slovenia, November 2006.
- Annex 12:** UNHCR, Guía Práctica para funcionarios de DAS – Recomendaciones de tratamiento ante Solicitantes de la Condición de Refugiado, September 2007.
- Annex 13:** Save the Children, Young Refugees. Working with unaccompanied asylum-seeking children at ports, 2003.
- Annex 14:** United Kingdom Border Agency, Briefing on the Chief Inspector of UKBA, 2008.
- Annex 15:** Paragraph 235.3, Inadmissible aliens and expedited removal, of the Code of Federal regulations of the USA, December 2005.
- Annex 16:** United States Commission on International Religious Freedom (USCIRF): Report on Asylum-seekers in Expedited Removal, February 2005.
- Annex 17:** UNHCR, 10-Point Plan of Action for Refugee Protection and Mixed Migration for Countries Along the Eastern and South Eastern Borders of European Union Member States, 29 June 2007.

Selected References

UN High Commissioner for Refugees, Selected Reference Materials: Rescue at Sea, Maritime Interception and Stowaways, November 2006. (This compilation includes the most important legal provisions relevant for the entry system).

UNHCR, Conclusion adopted by the Executive Committee on International Protection on protection safeguards in interception measures, No. 97 (LIV), 2003.

Interception of asylum-seekers and refugees: The international framework and recommendation for a comprehensive approach, 18th meeting of the Standing Committee (EC/50/SC/CRP.17), 9 June 2000.

UNHCR, Advisory Opinion on the Extraterritorial Application of *Non-refoulement* Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, January 2007.

UNHCR, UNHCR Position: Visa Requirements and Carrier Sanctions, 1 September 1995.

Global Consultations on International Protection, Summary Conclusions – The Principle of *non refoulement*, Cambridge 9-10 July 2001.

UNHCR and IMO, Rescue at Sea: A guide to principles and practices as applied to migrants and refugees.

UNHCR, Summary Report of the Expert Roundtable No. 1: Controlling Borders while Ensuring Protection.

Council of Europe: Parliamentary Assembly, Recommendation 1645 (2004), Access to assistance and protection for asylum-seekers at European seaports and coastal areas, 29 January 2004, Rec 1645 (2004).

European Council on Refugees and Exiles (ECRE), “Defending Refugees” Access to Protection in Europe, December 2007.

European Council on Refugees and Exiles (ECRE), “Access to Europe: What price does a refugee pay to reach Europe – Case Studies”, February 2009.

European Council for Refugees and Exiles (ECRE), “Access to Europe” series, available at http://www.ecre.org/topics/access_to_europe.

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International Centre for Migration Policy Development (ICMPD), Annual Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe in 2007.



Reception arrangements

4



Contents

Reception arrangements provided in centres

- 1 Location of the reception centre
- 2 Administration of the reception centre
- 3 Training of reception staff
- 4 Conditions in the reception centre
- 5 Services provided at the reception centre
- 6 Open, semi-closed or closed reception centres?

Practical examples

- Strengthening reception capacity to handle migrants reaching the island of Lampedusa, Italy
- Enhancing the reception capacity for migration flows at border areas of Greece
- Mayfa'a Reception Centre, Yemen
- Albergue Belen, Tapachula, Mexico
- Ceuta and Melilla Reception Centres, Spain
- Bilateral Agreement between the Governments of Malta and the Netherlands, cooperation for capacity-building on reception

References to further examples are in the text

In this Chapter, the term “reception arrangements” refers to the set of measures for the initial post-arrival phase of migratory movements, from addressing the immediate needs of all arrivals regardless of their status, up until their referral to the appropriate procedures. It does not address medium and longer-term arrangements that may subsequently become necessary and that will vary depending on the individual’s status in the host country.

Reception arrangements in the period following arrival generally must meet two important goals: address basic material and psycho-social needs (accommodation, food, clothing, medical services); and help to distinguish the various categories of persons among the irregular migrants, including by identifying those seeking international protection.

This Chapter focuses on the first of these goals. The second goal, which relates to the processing and procedural aspects of reception, is addressed in Chapter V.

Reception arrangements for this initial phase have proven particularly useful for large mixed groups of arrivals and/or for locations with frequent arrivals of migrants and refugees. They are sometimes provided in specific “reception centres” in which all necessary services are provided by a variety of different experts. This can be advantageous for both the people arriving, if their needs can be met by qualified staff, and for the authorities, who may be better able to direct their responses through the reception centre.

Depending on the specific situation, smaller group homes, community placements or private accommodation may be more appropriate than large reception centres, which could become a pull factor.

Reception arrangements provided in centres

1. *Location of the reception centre*

The location of reception centres will depend on the entry points and modes of transport that are being used by the individuals arriving at a territory. The advantage of building a centre close to a border, port or other entry point is that it will be accessible to arrivals in order to provide immediate assistance.

2. *Administration of the reception centre*

Reception centres can be managed by government authorities, non-governmental organizations and/or international organizations. Private contractors are sometimes employed to help manage the centre. Often, services are provided by a number of different actors according to their respective areas of expertise.

Formal agreements among the various stakeholders establish lines of responsibility, encourage standard operating procedures and promote a uniform approach. Such agreements can include guidelines on standards of treatment of non-nationals and contain monitoring provisions by independent entities to ensure compliance.

3. *Training of reception staff*

Staff involved in the day-to-day activities of a reception centre can receive training on the principles of international refugee and human rights law, the minimum standards of treatment and care, including psycho-social care (cultural sensitivity and conflict management) and handling persons with specific needs (such as women at risk, unaccompanied or separated children, victims of torture).

4. *Conditions in the reception centre*

Respect for the dignity of arrivals is guaranteed e.g. through limits on the number of people accommodated and measures to prevent overcrowding, adequate space and privacy in sleeping arrangements and washing facilities, separate facilities for men and women, adequate sanitary and hygiene conditions, adequate security, prevention of traffickers and smugglers from entering and using the reception centre, and regular maintenance, such as ventilation, heating or cooling.

5. *Services provided at the reception centre*

Services that can be provided in a reception facility include: food, provided regularly, in sufficient quantity and respecting cultural and religious requirements or specific needs; basic non-food items (clothing, sanitary products, blankets, towels, etc.); medical check-ups upon arrival, including identification and treatment of persons with acute medical needs; information on legal options available (asylum procedure, procedures for victims of trafficking, unaccompanied or separated children, women at risk, etc.), the practicalities of reception (time and location of meals, services provided), and the rights and obligations of the individuals arriving; facilities for religious and cultural practices; and access to communication devices, including telephone, internet services and directories. Confidential and accessible complaints procedures should be provided for.

6. *Open, semi-open or closed reception centres?*

The question of whether reception centres for irregular arrivals should be open, semi-open or closed will depend on a range of factors, including the profile of individuals concerned, their desired destination State, the location of reception centres and the overall level of support provided through reception arrangements. Adequate accommodation, support and

services, and access to information and counseling from the early stages after arrival, may diminish the incentive to abscond.

Similarly, the use of semi-open reception centres involving *de facto* measures to ensure ongoing presence in the centre, such as daily reporting requirements and leave-with-permission, could also be effective when accommodating irregular arrivals.

Where individuals are held in closed reception centres, procedural safeguards will ensure that detention is conducted in a lawful manner.¹ Competent NGOs, international organizations, lawyers and consular officials should be given access to the reception facility and the opportunity to meet with individuals. Detention of persons with specific needs is never appropriate even in the short term. This applies to children, nursing mothers and women in the later stages of pregnancy, and persons with physical or mental disabilities or with acute medical needs.

¹ Any decision to detain should be taken on a case-by-case basis by a duly appointed authority, based on criteria established by law: *International Covenant on Civil and Political Rights* (1966); *Convention Relating to the Status of Refugees* (1951). See also UNHCR's Executive Committee Conclusion No. 44 (XXXVII) on the *Detention of Refugee and Asylum-Seekers*; UNHCR Note on *Accession to International Instruments and the Detention of Refugees and Asylum-seekers*, UN Doc. EC/SCP/44 (1986); UNHCR *Revised Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-seekers* (1999)

Useful tool: Questionnaire for use by Parliamentarians when visiting holding centres for irregular migrants and asylum-seekers – Annex 1

STRENGTHENING RECEPTION CAPACITY TO HANDLE MIGRANTS REACHING THE ISLAND OF LAMPEDUSA, ITALY, 2006

A *Background and Rationale*

The so-called Praesidium project is an initiative of the Italian Ministry of Interior, which engages several humanitarian agencies to enhance Italy's capacity in managing arrivals of mixed flows via sea to Italy.² The project, which started in March 2006 provided assistance and information services initially only at the sea port and the reception centre in Lampedusa. Its first three editions were co-funded by the European Commission and the Italian Ministry of Interior. Since March 2009 it is entirely funded by the Italian Ministry of Interior.

B *Actors*

Implementing partners:

- IOM
- Italian Red Cross
- UNHCR
- Save the Children (since March 2008)

² Individuals arriving on the island include nationals from Egypt, Eritrea, Ethiopia, Ghana, Iraq, Nigeria, Morocco, Palestine, Tunisia and Sudan.

Other actors involved:

- Government of Italy
- Italian Immigration Police
- Local authorities
- Local NGOs
- Médecins Sans Frontières (MSF)

C *Actions*

The project partners provide the following services:

- Collective and individual information³ and counseling sessions provided by all agencies, according to their respective mandates, to inform newly arrived migrants/potential asylum seekers on their rights and obligations;
- Identify persons with international protection needs; special assistance provided to vulnerable persons including women, minors and families, psycho-social support and training of reception staff to deal with such individuals and their needs;
- Contributing to the creation/well-functioning of a referral system for specific groups and vulnerable individuals in the context of the transfers from the arrivals points to reception centres on the territory;
- Formal and informal on-the-job training and capacity-building activities for reception staff provided by all agencies;
- Support provided by UNHCR to individuals wishing to apply for asylum and liaison with the competent police officers in order to guarantee and facilitate admission to the RSD procedure;
- Monitoring of the reception conditions and of the admission procedures.

In 2007, a new centre was built on the island to increase the reception capacity from 190 to 740 individuals. The new centre offers larger living spaces, heating and cooling systems, and houses a fully equipped medical clinic open 24 hours a day.

D *Review*

As a result of its success in meeting the needs of individuals and assisting the Government of Italy in managing arrivals, the model of the Lampedusa reception centre has been extended to the Sicilian coast, in the south-east of Italy and in Sardinia (“Praesidium II”).

Increasing the capacity to talk to groups and individuals accommodated in the reception centre also led to a better understanding of the migration movements in this region of the Mediterranean. The training provided to border officials and other actors involved has been effective in increasing their understanding of protection issues.

Its future development is however uncertain, due to a substantial change in the Ministry of Interior’s policy vis-à-vis sea arrivals, introduced in early 2009. This new approach contains a number of restrictive measures, such as the creation of a detention center for expelled in Lampedusa and interdiction of migrants’ boats at the high seas and their return to Libya. These measures would change the administrative and practical framework of the Praesidium project.

³ The leaflets are available in Italian, French, English, Arabic, Amharic, Tigrinya, Bangla, and Urdu.

E *Further information*

Agreement between the Ministry of Interior and UNHCR regarding the joint activities of the Ministry of Interior and UNHCR in Lampedusa – Annex 2

Enhancing the reception capacity for migration flows at border areas of Greece, “AEGEAS” Project (see Chapter V).

MAYFA’A RECEPTION CENTRE, YEMEN, 1995

A *Background and Rationale*

The Mayfa’a Reception Centre (MRC) is a UNHCR-run facility situated near the main coastal entry point of Bir Ali in the Shabwa province of Yemen. In the absence of government-run reception programmes, the MRC provides the necessary accommodation and reception services for arrivals traveling by boat from Bossasso, Somalia. The MRC is an “open centre” where individuals are free to move in and out of the facility.

B *Actors*

- Danish Refugee Council (DRC)
- InterSOS (Italian Humanitarian Aid Organization)
- Local NGOs
- UNHCR
- Yemeni coast guards

C *Actions*

Whenever Yemeni officials, villagers or focal points on the shore notify the reception centre of new arrivals, UNHCR, through its implementing partner, provides free transport to the centre. Water and high-energy biscuits are given to the new arrivals at the coast while they wait for the buses which will take them to the MRC.

The following services are provided at the centre:

- Accommodation, medical care and a welcome package (clothes for men and women, slippers, T-shirts, fruit and a small jerry can for transporting water) are provided to new arrivals. Male and female areas with separate sanitary facilities are available.
- New arrivals are provided with information on the options available (asylum procedures, transfer to Kharaz refugee camp, or to Basateen settlement in Aden). They are also given leaflets on Yemeni laws and regulations and on services provided in Kharaz and in urban areas. These leaflets are available in Somali, Oromo, Arabic and English.
- The Danish Refugee Council registers Somalis and non-Somalis who wish to seek asylum. Non-Somalis are issued a temporary protection appointment slip valid for 10 days. This allows them to approach UNHCR offices in Aden or Sana’a for refugee status determination procedures. Somalis are provided with temporary refugee

documents, valid for three months, and are counselled on the assistance provided in Kharaz camp and in urban areas and on their rights and obligations in Yemen.

- InterSOS identifies persons with specific needs and continues to assist them when they move to Kharaz camp or to the Basateen settlement.
- Training is provided to Yemeni coast guards on international refugee and human rights law, as well as on rescue at sea.
- Additional staff is being recruited at MRC in order to increase the assistance provided to new arrivals.

D *Review*

By addressing the immediate protection needs of all arrivals, Mayfa'a Reception Centre demonstrates that UN agencies and other competent organizations can assist states in fulfilling their international obligations.

Monitoring and addressing the needs of new arrivals has become more difficult as the number of entry points along the Yemeni coast has increased from 15 to an estimated 60. In addition, the security situation in this province makes it difficult for UNHCR staff to access the coast. To overcome these challenges, in 2008, UNHCR has opened a second reception centre in Ahwar (Ahwar Reception Centre), in Abyan Governorate.

ALBERGUE BELEN TAPACHULA, SOUTHERN BORDER OF MEXICO, 1997

A *Background and Rationale*

The Albergue Belen is one of five “open reception centres”, known as *Casas del Migrante* (Migrants Houses) in the region, all of which are run by the Scalabrinian Order of Catholic priests. UNHCR Mexico has signed an agreement with the Albergue to provide reception services to asylum-seekers. The Centre provides temporary accommodation and basic services to all migrants travelling through or arriving in Tapachula, Chiapas State. The centre provides an alternative to the state-run detention facilities (“migration station”) for persons with or without entry permits and proper travel documents.

B *Actors*

- IOM
- Local NGOs
- Mexican National Commission for Refugee Assistance
- UNHCR

C *Actions*

The Albergue Belen provides services to migrants, victims of trafficking and asylum-seekers. Asylum-seekers who approach either the National Commission for Refugee Assistance or UNHCR are referred to the Albergue Belen for shelter.

The services provided in the Albergue Belen include:

- Accommodation for a maximum period of three days which can be extended up to 14 days for migrants and asylum-seekers and beyond 14 days for vulnerable asylum-seekers, subject to agreement with UNHCR;
- Food, material items and psycho-social services.

The centre is open and migrants and asylum-seekers who wish and can afford to reside elsewhere are free to do so. The Albergue Belen has a schedule that includes a curfew of 10:00 pm and three hours during the day when residents remain outside so that the building can be cleaned. Other than these restrictions, migrants and asylum-seekers are free to come and go as they please.

D *Review*

The level of the reception standards in the Albergue Belen reduce the number of individuals who abscond and move to another Mexican state in an unauthorized and undocumented manner. The Albergue provides a successful alternative to detention in managing irregular migration and demonstrates that non-governmental entities can assist governments in providing reception services. In 2008, a specific area was opened for victims of trafficking.

While the Albergue Belen provides a critical source of shelter and assistance to migrants and asylum-seekers at the southern border, the centre is often unable to accommodate asylum-seekers for the entire period during which their application is being processed. While registration services are available for persons seeking international protection, such services are not available for other migrants. Furthermore, unauthorized and undocumented arrivals, including those waiting for repatriation, who are apprehended by local police or migration officials, do not have access to the Albergue Belen.

E *Further information* available at
<http://www.migrante.com.mx/Tapachula.htm>⁴

⁴ A description of the Albergue and an interview with Padre Flor who runs the shelter is included in the article by Cynthia Gorney: "Mexico's Other Border", National Geographic Magazine, February 2008, available at <http://ngm.nationalgeographic.com/print/2008/02/mexicos-southern-border/cynthia-gorney-text>.

CEUTA (2000) AND MELILLA (1999) RECEPTION CENTRES, SPAIN

A *Background and Rationale*

There are two reception centres (*Centro de Estancia Temporal de Inmigrantes*) in Ceuta and Melilla, Spain. Both provide accommodation and a range of other services to irregular arrivals for a temporary period of time. Asylum-seekers remain in the Centre during the initial admissibility phase of the refugee status determination. Upon admissibility of their claims, they are transferred to the Spanish mainland.

The Centre in Ceuta has a capacity of 512 persons. The Melilla Centre has a permanent capacity of 472 persons, but tents may be used should the number of arrivals exceed that number.

B *Actors*

- "Comisión Española de Ayuda al Refugiado" (CEAR) (Spanish Commission for Assistance to Refugees)
- Local NGOs
- Ministry of Labour and Immigration of Spain
- Spanish Red Cross

C *Actions*

The centres offer a range of services to all arrivals:

- Medical care (including psychological assistance);
- Food;
- Clothing;
- Education (schools and language classes);
- Vocational training;
- Information on asylum procedures and legal aid.

Both are open reception centres where individuals are free to come and go. However, persons living in the centres are not authorized to go to the Spanish mainland.

D *Review*

Both reception centres attend to the immediate needs of new arrivals and provide information on asylum procedures. Legal aid services are also provided by NGOs. Although Melilla centre has been overcrowded at some point, a European Commission evaluation report described the centre as “well functioning”.⁵

E *Further Information*

European Commission Technical Mission to Morocco, Visit to Ceuta and Melilla on illegal immigration 7–11 October 2005, mission report, 19 October 2005. – Annex 3

Lampedusa and Melilla, Southern frontier of fortress Europe, GUE/NGL (European Parliamentary Group) Publication, 2005. – Annex 4

⁵ “Lampedusa and Melilla: Southern Frontier of Fortress Europe”, published by European United Left / Nordic Green Left – European Parliamentary Group, regarding the visit of the European Parliament Delegation to Lampedusa (28 June 2005) and Melilla (10 October 2005), p. 22, http://www.guengl.eu/upload/EN_Lampedusa.pdf.

COOPERATION FOR CAPACITY-BUILDING ON RECEPTION BILATERAL AGREEMENT BETWEEN THE GOVERNMENTS OF MALTA AND THE NETHERLANDS, 2005

A *Background and Rationale*

Responding to Malta’s call for European solidarity to address the challenges arising from the high number of arrivals at sea, the Dutch Central Organization for the Reception of Asylum-seekers (COA) agreed in 2005 to provide technical assistance to the Government of Malta to improve the reception of undocumented migrants.

B *Actors*

- Emigrants Commission (Maltese NGO)
- European Commission
- Government of Malta: Organization for the Integration and Welfare of Asylum-Seekers (OIWAS) within the Ministry of the Family and Social Solidarity as well as the Ministry for Justice and Home Affairs (MJHA)
- Government of the Netherlands (COA)
- UNHCR

C *Actions*

The project has two main objectives:

1. Improving reception management

- COA organized missions to exchange best practices;
- COA provided on-the-job training to OIWAS;
- In June 2006, COA provided advice to OIWAS on how to improve reception conditions;
- UNHCR provided detailed information on the status of Malta's reception facilities.

2. Relocation from Malta to the Netherlands

- In 2005, 36 refugees were transferred from Malta to the Netherlands;
- UNHCR provided recommendations on the criteria and procedures for the transfer.

D *Review*

The project is a good example of direct inter-state cooperation. It combines capacity-building activities and relocation as a direct burden-sharing component. Cooperation between the two governments involved and UNHCR was close and effective. The cooperation led OIWAS to join the European network of asylum reception organizations (ENARO), which gave them information about reception practices in other EU Member States and facilitated a process of learning and exchange.

Subsequently, other countries (Germany, Ireland, Lithuania, Portugal and France) also offered a limited number of places for relocation of refugees from Malta.

E *Further information*

UNHCR Report on the Malta-The Netherlands Responsibility-sharing exercise, 10 April 2007. – Annex 5

Transit reception facilities have been established at 17 border-crossing points in Albania.

UNHCR Support Available

UNHCR may assist partners by:

- Advising States on appropriate legal and policy frameworks for reception arrangements, including ensuring that reception arrangements are protection-sensitive and comply with international human rights law;
- Helping to raise reception standards in cooperation with other agencies including e.g. ICRC, IFRC, IOM and UNICEF;
- Seeking improvements in reception conditions as necessary, including lobbying donors for financial support;
- Training reception centre staff on refugee law and international protection considerations;
- Acting as the point of referral and support for persons in reception centres who may be in need of international protection.

List of Annexes and Selected References

Annexes

- Annex 1:** Questionnaire for use by Parliamentarians when visiting holding centres for irregular migrants and asylum-seekers.
- Annex 2:** Agreement between the Ministry of Interior and the United Nations High Commissioner for Refugees (UNHCR) regarding the joint activities of the Ministry of Interior and UNHCR in Lampedusa, March 2006.
- Annex 3:** European Commission Technical Mission to Morocco, Visit to Ceuta and Melilla on illegal immigration 7–11 October 2005, mission report, 19 October 2005.
- Annex 4:** Lampedusa and Melilla, Southern frontier of fortress Europe, GUE/NGL (European Parliamentary Group) Publication, 2005.
- Annex 5:** UNHCR: UNHCR Report on the Malta-The Netherlands Responsibility-sharing exercise, 10 April 2007.

Selected References

Reception

UNHCR, Executive Committee Conclusion on reception of asylum-seekers in the context of individual asylum systems, 8 October 2002. No. 93 (LIII).

UNHCR, Reception Standards for Asylum-seekers in the European Union, 1 July 2000.

UNHCR, Global Consultations on International Protection/Third Track: Reception of Asylum-seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems, 4 September 2001, EC/GC/01/17.

European Council on Refugees and Exiles, Position on the Reception of Asylum-seekers, 1 November 2001.

Detention

UNHCR, Executive Committee Conclusion on detention of refugees and asylum-seekers, 13 October 1986, No. 44 (XXXVII).

UNHCR, Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-seekers, 26 February 1999.



Mechanisms for
profiling and referral

5



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- Profiling in a Reception Centre in Sangatte, France
- Profiling and referral in Bossasso, Somalia
- Enhancing reception capacity for migration flows at border areas of Greece
- Pre-screening in detention in Izmir, Turkey

Further examples in the text

Establishing a mechanism to differentiate between various categories of people soon after they arrive can facilitate the management of large numbers of arrivals. It can also ensure that asylum-seekers and other persons with specific needs are identified and their needs are addressed, a task which can be challenging when they form part of larger migratory movements. On the other hand, an early differentiation of various categories of arrivals can avoid all cases being inappropriately channeled into asylum procedures.

The 10-Point Plan uses the term “profiling and referral”¹ for such a mechanism, but in other contexts it has also been called “screening” or “pre-screening procedures”. The term “profiling and referral” used in this book should not, therefore, be taken as exclusive.

By “profiling and referral” or similar mechanisms, UNHCR means a non-binding process that precedes any formal status determination procedures and aims to identify the needs of and differentiate between categories of arrivals as soon as possible after arrival. Its core elements include providing information to new arrivals, gathering information on new arrivals through questionnaires and informal interviews, establishing a preliminary profile for each person, and counseling and referring arrivals to the authorities or procedures that can best meet their needs and manage their cases.

Profiling and referral can be more or less complex, depending on the situation and available resources. A simple profiling and referral exercise is undertaken in any protection-sensitive entry procedure, generally by the “first contact” entry officials (see Chapter III). In some countries, specific mechanisms for profiling and referral have been established and entry officials are assisted by experts or expert teams, including border and immigration officials and representatives of international and non-governmental organizations with relevant expertise in the area.

Apart from facilitating individual processing, the information gathered through profiling and referral can be used to establish a more strategic response to mixed migration.

Profiling and referral is often undertaken within initial reception arrangements described in Chapter IV. Profiling and referral is also closely linked to the differentiated procedures and processes discussed in Chapter VI. Chapters IV, V and VI should therefore be consulted together.

¹ The term “profiling” has been used in other contexts to refer to procedures with a different emphasis and objective.

1 Profiling

1.1 Providing information

Providing general information to new arrivals helps to establish trust, manage expectations and introduce people to their new environment.

Information leaflets could provide details about the obligations and basic rights of arrivals while in the host country, the different processes and procedures available, including the right to seek asylum, and anticipated timeframes for processing. They could also include information on available legal advice and other support, such as lists of lawyers offering pro bono services, telephone numbers of consulates, NGOs and/or toll-free hotlines. The leaflets should be gender and age-sensitive, include information relevant to different groups, and be available in different languages.

If a large number of persons are illiterate, leaflets could include drawings or figures or be supplemented with pre-recorded video or audio presentations, or with live briefings by government authorities or other agencies. Representatives from the government, international agencies or NGOs should be on site to respond to questions and provide further details on the material distributed. Information points could be set up in reception centres.

Examples of Information leaflets for asylum-seekers

- In **Ukraine**, the leaflet “Refugee Status in Ukraine” provides information on the asylum procedure and contains a list with contact addresses. The leaflet was jointly developed and published by the Ministry of Interior, State Committee for Nationalities and Migration and the State Border Guard Service. It is printed and available at border points – Annex 1
- The UNHCR Office in **Morocco** issues a “Guidebook for Asylum-seekers in Morocco”. The Guidebook is available in English, French and Arabic – Annex 2
- A similar leaflet has just been finalized in **Zambia** – Annex 3
- The **Romania** National Council for Refugees issues an information leaflet on asylum applications.

1.2 Gathering information

Profiling provides an opportunity to collect information from each person at an early stage. While this information can be used to establish individual preliminary case profiles (see below), when collated and analyzed, it also provides significant data on the overall group that can enhance the efficiency of subsequent processes and procedures, including asylum procedures, as well as the broader strategic responses to mixed migration.²

In order to facilitate the information-gathering process, individuals can be asked to respond to simple and standardized questions about their background and motives by filling out questionnaires and/or in interviews. Staff should be available to help people complete the questionnaires.

All information, including questionnaires and other records, must be handled according to confidentiality and security guidelines and there should be adequate privacy for individuals when they are providing information, whether through a questionnaire or in informal interviews.

² See Chapter II (Data Collection and Analysis) and Chapter VI (Differentiated Processes and Procedures, section on caseload-management techniques in RSD).

UNHCR/IOM/UNICEF Joint Profiling and Referral Form for Adults, Puntland (Somalia), 2006 – Annex 4

Inter-Agency Registration Form for Unaccompanied and Separated Children, UNHCR Guidelines on the Formal Determination of the Best Interests of the Child (Geneva), May 2006 - Annex 5

1.3 Establishing a preliminary profile

Information provided in the questionnaire or during the interview can be used to establish a preliminary profile of each person. These preliminary profiles are intended to identify both immediate needs that may require urgent attention and the available longer-term processes and procedures that may provide the individual with an appropriate solution. Profiles are not necessary mutually exclusive and could include:

- Asylum-seekers;
- Asylum-seekers and refugees who have moved from their first country of asylum;
- Older persons;
- Persons seeking to join their families (in the host country or in a third country);
- Persons who may be victims of trafficking;
- Persons whose movement is primarily motivated by economic interests;
- Persons who voluntarily express a wish to return to their country of origin;
- Persons with physical and mental disabilities, victims of torture;
- Persons with other specific needs;
- Stateless persons;
- Unaccompanied or separated children;
- Women at risk.

Referral

2

2.1 Counseling

After a person's profile has been established, this assessment should be discussed with the individual and he/she should be counseled on all of the available options. This process does not create any binding obligations for the individual.

Instead, counseling aims to provide advice to individuals so that their expectations remain realistic and so they can find the most appropriate way forward. For instance, individuals could be cautioned that it may not be possible for them to receive a “positive” or hoped-for outcome, such as the right to remain in the host country, and that the advantages of the asylum procedure are limited for persons without international protection needs.

Profiling and referral must remain a non-binding process to avoid the risk of it becoming a *de facto* refugee status determination or another formal procedure. While this may mean that some persons without protection needs continue to apply for asylum, discouraging unfounded asylum claims is only one of the goals of profiling and referral. The value of the process also lies in its capacity to provide authorities with overall data on the mixed migration situation, to provide new arrivals with objective information and to create realistic expectations, and to facilitate early identification of protection and other needs.

2.2 Referral

After counseling, a person would then be referred – with his/her agreement – to one of a number of processes and procedures to meet any immediate needs, and/or for further consideration of his/her situation. The different procedures that could be applied are discussed in Chapter VI.

Where appropriate, the information gathered during profiling and referral may be forwarded for use in subsequent processes and procedures. Individuals should be informed that the information that they provide during profiling may be used in subsequent procedures and that they should therefore be as accurate and truthful as possible.

3

Practical suggestions

➔ *Where can profiling and referral be conducted?*

Profiling and referral can be conducted at a border or coastal entry point, or in group reception facilities either at arrival points or in-country (see Chapter IV for details on reception facilities). Expert profiling teams can also be deployed on a temporary basis to various locations according to need.

➔ *When can profiling and referral be conducted?*

The objective is to complete the profiling and referral process as soon as practicable after arrival to allow for rapid identification of individual needs. The process can be completed within a short time: the recommended profiling time is between half an hour to a few hours, at maximum, per person.

➔ *Who could carry out profiling and referral?*

Profiling and referral can be carried out by “first contact” entry officials who have been trained in interviewing techniques, can identify needs, and who are familiar with available processes and procedures (see Chapter III). The process can also be carried out by a team of experts drawn from government authorities, international agencies and partner non-governmental organizations with relevant mandates and expertise.

Establishing joint profiling teams, with male and female staff from different backgrounds, helps to ensure that individual needs are accurately identified and enhances the legitimacy of the process.

In general, host government authorities should be a part of profiling teams, as recognition and protection offered by international agencies is not an adequate substitute for State protection.

Profiling and Referral review

Core Elements:

- **Providing information** (arrivals are given leaflets or other material on their situation in the host country and available options);
- **Gathering information** (arrivals complete basic questionnaires and/or informal interviews);
- **Establishing a preliminary profile** for each person (asylum-seeker, person moving for work or family reasons, unaccompanied minor, trafficking victim, etc.; these profiles may overlap);
- **Counseling and referring** to differentiated processes and procedures, such as refugee status determination procedures for asylum seekers, or legal migration channels for migrants.

Key Characteristics:

- Non-binding, two-way, informal;
- Undertaken at or soon after arrival in the host country, prior to other processing;
- Age, gender and diversity sensitive;
- Completed within a short time period;
- Can be carried out by an expert profiling team or by persons who ordinarily have “first contact” with irregular arrivals, such as border or immigration officials, NGOs with relevant expertise, international organizations.

Key Goals:

- **Ensure that irregular arrivals are informed early and accurately** about the options that may be available and that they have realistic expectations;
- **Identify and differentiate between the needs of various categories of persons** traveling as part of a mixed movement;
- **Counsel persons who are not in need of international protection** about the inadequacy of applying for asylum, and refer them to appropriate alternative procedures;
- **Provide authorities with information about the group**, as a whole, that can be used to establish a more strategic response to mixed flows.

UNIFIED PRE-SCREENING OF DETAINED MIGRANTS, ALBANIA, 2001

A Background and Rationale

In 2001, the Albanian Office for Refugees (OFR, Ministry of Local Government) signed a Memorandum of Understanding (MoU) with UNHCR, OSCE, IOM and the ICMC to establish the “Unified Pre-Screening of Detained Migrants”. The objective of the programme was to quickly identify asylum-seekers, victims of trafficking and persons who wish to return to their country of origin among undocumented individuals in Albania.

In 2003, the programme was renamed the Community Assistance for Reconstruction, Development and Stabilization (CARDS) project. In March 2006, the programme was entirely handed over to the Albanian Border Police.

B *Actors*

- Albanian Government Office for Refugees (OFR). Since 2006, Directorate for Nationality and Refugees (DfNR)
- European Commission
- ICMC
- IOM
- OSCE
- UNHCR

C *Actions*

- A mobile Pre-Screening Team (PST) was established. The PST consisted of representatives from UNHCR, IOM and DfNR, and, where necessary, an interpreter.
- OSCE assisted through its local and/or regional offices with first-aid items, such as food, medicines and blankets, and provided preliminary information data on the case to the PST.
- The team was contacted by the law-enforcement authorities whenever an unauthorized and/or undocumented individual was identified.
- The PST interviewed individuals and counseled them on the options available. The interviewers used a unified pre-screening form which helped them differentiate among the following categories:
 - (a) Asylum-seekers were transferred to the Babrru National Reception Centre for Asylum-seekers (NRC) to have their asylum claim examined, in the presence of UNHCR.
 - (b) Victims of trafficking and (c) persons requesting voluntary repatriation were transferred to the Linza NRC where IOM was present while (d) other migrants remained in police custody.
- Information leaflets, translated into 16 languages, were made available both in NRCs and in the transit reception areas at all border-points. A video on pre-screening procedures was developed and a media kit on the initiative was distributed to UN agencies and civil society groups dealing with migrants. UNHCR produced a poster and a “calling card” that was distributed to border check points.

D *Review*

Although quantitatively, a limited number of people benefitted from the project, it developed an innovative approach which received the support of many regional and international agencies. The MoU allowed all involved parties to have confidence in the durability and sustainability of the project and to be clear about their respective roles. The PSTs were mobile and could be deployed both at border points for new arrivals, and in-country for individuals who had been living in Albania for an extended period of time.

In April 2006, it was handed over to the Albanian authorities. While this was seen as a positive development, some concerns were raised over reported cases of refoulement of persons in need of international protection. Also, it is not clear whether the project addresses the needs of all categories of people in a satisfactory way.

E *Further information*

MoU on Unified Pre-Screening of Foreigners between ICMC, IOM, OFR, OSCE and UNHCR, 2001 – Annex 6

Briefing note: Pre-screening of asylum-seekers and migrants in Albania, April 2006 – Annex 7

PROFILING IN A RECEPTION CENTRE, SANGATTE, FRANCE, 2002-2003

A *Background and Rationale*

The Sangatte Centre, located in a town near Calais, set up to address the humanitarian needs of migrants and refugees stranded in the region hoping to cross the Channel to the United Kingdom (UK) with the help of smugglers. Rising tensions between the British and French governments over border control and migration management risked exacerbating an already difficult situation.

In 2002 UNHCR, under its “good offices” mandate, profiled all persons at the reception centre in Sangatte. UNHCR identified asylum-seekers, unaccompanied or separated children, victims of torture, vulnerable groups (including single women with children, disabled persons, persons with medical needs), and other persons without international protection needs, originating from 51 countries, including Iraq (64%), Afghanistan (21%) and Sudan (5%). The exercise provided information on individuals’ needs and on their reasons for moving and led to the finalization of a responsibility-sharing agreement (Sangatte Plan of Action) between the French and UK governments for processing applications.

B *Actors*

- French Red Cross
- Government of France
- Government of the United Kingdom
- UNHCR

C *Actions*

The profiling exercised was conducted as follows:

- The Centre was closed to new arrivals from 5 November 2002 and a head count was conducted by the French Red Cross. UNHCR interviewed each individual to obtain information on the composition of the population and on individual needs.
- UNHCR identified unaccompanied minors among the residents and transferred them to more suitable accommodations in France. Other individuals with specific needs were transferred to the UK if they had family members there. The requirements for family reunification were applied less stringently for this group.
- A counseling service gave advice on solutions available through the responsibility-sharing agreement concluded between France and the UK.
- 1,039 individuals were transferred to the UK. They were granted a four-year stay permit and access to the labour market. 148 individuals remained in France where they were given access to asylum procedures. Individuals who had pending asylum applications or had been granted refugee or subsidiary protection in other European countries were transferred to those States. Seventeen Afghans were voluntarily repatriated from Sangatte to Afghanistan.

D *Review*

The issue of migrants and refugees moving irregularly onwards from France to the UK and congregating in the Calais region remains. However, the profiling helped to conclude a political agreement between France and the UK and led to the closure of the Centre once all the residents had been processed and transferred.

PROFILING AND REFERRAL IN BOSSASSO, SOMALIA, 2006

A *Background and Rationale*

Somalia hosts large numbers of Ethiopians, either seeking to remain in the country or, more commonly, using Somalia as a transit country to the comparatively more wealthy Arab Gulf states. These movements include Ethiopian migrants in search of better economic opportunities as well as asylum-seekers in search of international protection. The profiling and referral mechanism was used in 2006 when 486 Ethiopian migrants were discovered in a mosque in the coastal city of Bossasso. Profiling was intended to quickly identify persons seeking international protection and thus avoid their deportation by local authorities.

B *Actors*

- IOM
- UNHCR
- UNICEF

C *Actions*

- UNHCR staff interviewed Ethiopians held in a closed reception centre to determine whether they wanted to return to Ethiopia. Those who did not want to return were interviewed again by UNHCR and/or IOM staff. In addition to seeking biographical details, interviewers asked questions to determine motivation.
- 46 unaccompanied or separated children were identified among the migrants. These children were interviewed by UNICEF representatives based on a specific form.
- After the interview and the form were completed, the individual was referred to one of the three referral agencies listed on the form: UNHCR for asylum-seekers; UNICEF for separated and unaccompanied minors, and child victims of trafficking; and IOM for economic migrants and adult victims of trafficking.

D *Review*

The ad hoc profiling exercise helped to identify persons seeking international protection among the mixed group and prevented their *refoulement*.

A Joint Profiling and Referral Form for Adults was subsequently drafted by IOM and UNHCR. It included questions to elicit biographical information but also provided guidance on a line of questions to determine whether the individual wanted to return to their country of origin or to apply for asylum.

An assessment of the project concluded that the profiling procedure would benefit from a more guided structure in order to ensure better consistency among the interviews conducted by the agencies. A joint screening form was developed to address these shortcomings. The assessment also recommended that children be interviewed and counseled in private, using the “Inter-Agency Registration Form for Unaccompanied and Separated Children”.

E *Further Information*

UNHCR Bossasso Pre-screening form – Annex 8

ENHANCING RECEPTION CAPACITY FOR MIGRATION FLOWS AT BORDER AREAS OF GREECE (AEGEAS PROJECT), 2008-2009

A *Background and Rationale*

The Project aims to enhance the reception facilities and services at several arrival points at the Greek border (Islands of Lesbos, Chios and Samos and the area of Evros). These locations were chosen because they receive a large number of migrants but did not meet reception needs. All persons arriving by boat were detained and their specific needs were not identified.

The project is carried out jointly by the Greek government (several ministries), the local authorities of the communities concerned and UNHCR office in Greece. The project started in February 2008 and is expected to run at least until June 2009.

B *Actors*

- Local Assistance Teams
- Ministry of Merchant Navy
- Ministry of Public Order
- Prefectures of Samos (project coordinator), Lesbos, Chios and Evros
- UNHCR

C *Actions*

- Create a model response to mixed flows, particularly in addressing immediate needs of target population;
- Improve coordination at the local level, among different locations experiencing similar situations, and between local and central levels, by creating a steering group;
- Establish Local Assistant Teams (LATs) at the detention facilities which are tasked to identify asylum-seekers and other people with specific needs and to refer them to appropriate procedures. The LATs are composed of a lawyer, a doctor or nurse, a social worker, or a caretaker for the centre, as well as interpreters;
- The profiling work conducted by LATs and UNHCR roving experts (May to November 2008) resulted in the following:
 - ✓ 156 asylum-seekers were referred to the asylum procedures;
 - ✓ 1,238 unaccompanied children were identified and referred to expert organizations in Athens;
 - ✓ Victims of trafficking and victims of torture were identified, their immediate medical needs addressed and they were referred to expert organizations in Athens;
 - ✓ Pregnant women were given special care, and medical interventions were undertaken when necessary;
 - ✓ Follow-up with the Police Directorate continued in an effort to release families from detention centres.
- Encourage police staff and guards to respect the right of detainees;
- Provide assistance to 11,513 beneficiaries (7,860 men, 1,458 women and 2,195 children);
- Improve long-term support structures for vulnerable groups (including women, children and victims of torture/trafficking) through appropriate referral mechanisms;

- Develop the expertise of local authorities (including police, coast guard, prefecture, municipality and hospital) on key asylum and migration issues, including human rights issues;
- Inform people of their rights and what to expect in Greece (through a video).

D *Review*

The establishment of LATs, profiling and referral structures working in detention centres and operating in the interest of all actors is a novelty in Greece. Detention conditions in these detention centres have improved. With greater financial and political support, the scope of the project could be increased in order to address the needs of all arrivals at sea. It could be replicated at other border locations and possibly adopted at institutional level.

E *Further information*

AEGEAS Project Summary, 2008 – Annex 9

PRE-SCREENING IN IZMIR AD HOC PROFILING AND REFERRAL EXERCISES IN DETENTION CENTRES, TURKEY, 2004- 2005³

A *Background and Rationale*

In July 2005, UNHCR screened a group of 39 migrants detained in the coastal city of Izmir in order to identify those seeking international protection among the group. Almost all individuals claimed to be from African countries (Somalia, Algeria, and Mauritania).

B *Actors*

- Aliens Department (Izmir and the General [Ankara] Security Directorates)
- UNHCR

C *Actions*

- Each individual was interviewed by the UNHCR team (eligibility staff and interpreter) following a standard survey questionnaire drafted specifically for this project. Questions included basic biographical data, mode of transportation, motivation for migration, possibility for safe return to home country and wish to apply for asylum.
- The profiling mechanism enabled to distinguish two groups: persons wishing to apply for asylum and others. Asylum-seekers were referred to UNHCR's refugee status determination procedure, while others remained in police custody and were processed by Turkish authorities as "irregular migrants". The protection of minors was monitored throughout the process.

D *Review*

This profiling project was the fourth in a series of ad hoc profiling and referral exercises conducted by UNHCR in Kusadasi and Hattay/Antakya in 2004 and in Edirne in 2005. The Izmir project incorporated the lessons learned from these earlier efforts, emphasizing that Izmir authorities understood that profiling was not an expedited refugee status determination, and that they were able to distinguish between these

two groups. The pre-screening only aimed at identifying asylum-seekers while other protection needs were not specifically examined.

Delays in the implementation of the project were one of the major challenges, as well as the time spent on building confidence with institutional partners. The conditions in the detention centre may not be conducive to truthful reporting, and might have generated a sense of despair in migrants and asylum-seekers that may prompt some to make asylum claims to secure more rapid release.

³ A total of seven joint screening exercises (UNHCR-MOI) were conducted: Hatay (16-19 June 2003), Kusadasi (14-19 July 2004), Edirne (21-22 July 2005); Izmir (18-19 July 2005); Aydin 19-20 June 2006); Aydin (28-29 September 2006); Izmir (5-6 October 2006).

In **Ukraine**, UNHCR has trained NGO partners with access to apprehended migrants in conducting expedited registration interviews in order to identify protection concerns and special needs and ensure appropriate follow up on such cases.

In **Zambia**, IOM is running a Migration Support Centre in Chirundu that 1/ collects and analyzes data on vulnerable populations; 2/ assists vulnerable populations, including victims of trafficking; 3/ identifies and refers asylum-seekers to UNHCR; 4/ assists the most vulnerable Zimbabweans who want to return home; 5/ assists migrants with HIV/AIDS; and 6/ enhances migrants' and residents' knowledge of different aspects of "safe migration".

UNHCR Support Available

UNHCR may assist partners by:

- Engaging in a dialogue with government authorities and other stakeholders, including international organizations and partner NGOs, on the potential benefits of profiling and referral, and the particular arrangements that could be practical and feasible in the circumstances;
- Participating in any joint expert team to ensure that persons who may have international protection needs are identified. UNHCR should not be the sole agency involved in profiling and referral, given that the process is conducted prior to asylum procedures and is designed to engage and assist all persons in a mixed movement situation, whether they need international protection or not;
- Playing an advisory role if profiling and referral is carried out by other agencies, and working closely with partners to help identify persons of concern to UNHCR;
- Providing training on asylum and refugee issues for profiling authorities, formulating guidelines on identifying persons with protection needs, compiling information material, including country of origin information, and helping to develop standardized questionnaires.

List of Annexes

- Annex 1:** State Committee of Ukraine for Nationalities and Migration, Leaflet on “Refugee Status in Ukraine”.
- Annex 2:** UNHCR Morocco, leaflet “Guidebook for Asylum seekers in Morocco”, December 2006, available in English, French and Arabic.
- Annex 3:** UNHCR, Leaflet on “Refugee Status in Zambia”.
- Annex 4:** UNHCR/IOM/UNICEF Joint Profiling and Referral Form for Adults, Somalia (Puntland), 2006.
- Annex 5:** Inter-Agency Registration Form for Unaccompanied and Separated Children, UNHCR Guidelines on Formal Determination of the Best Interests of the Child, May 2006.
- Annex 6:** Memorandum of Understanding on Unified Pre-Screening of Foreigners between the OFR, UNHCR, OSCE, IOM and ICMC, 2001.
- Annex 7:** Albania, EU, UNHCR, IOM, OSCE, Briefing note: Pre-screening of asylum-seekers and migrants in Albania (CARDS Project 2003), April 2006.
- Annex 8:** UNHCR Bossasso Pre-screening form
- Annex 9:** UNHCR Greece, “AEGEAS” Project, Enhancing reception capacity for migration flows at border areas of Greece (external EU maritime and land borders), March 2009.



Differentiated processes
and procedures

6

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- Child-protection officers and the inter-institutional roundtable on unaccompanied children and women migrants, Mexico

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3 Procedures to protect victims of trafficking

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- Victims of trafficking protection system, Norway
- National Coalition Against Smuggling of Migrants and Trafficking in Persons, Costa Rica

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- Airport Procedure, Austria
- Accelerated Asylum Procedure, South Africa
- Accelerated mandate refugee status determination, Morocco

The 10-Point Plan recommends that States introduce specialized processes and procedures for different categories of people traveling in mixed movements. While not every person can be provided with a “positive” outcome meeting his/her aspirations, such as the right to remain in the host country or to travel onwards to another State, establishing alternative procedures, in addition to asylum or return, can assist authorities to manage mixed migration situations fairly, address any immediate needs of arrivals and facilitate longer-term solutions. From a protection perspective, the capacity to direct persons without international protection needs to alternative mechanisms can contribute to fairer and more efficient asylum procedures for asylum-seekers.

The range of more or less formalized procedures that can be made available in any particular situation will depend on the profile and numbers of arrivals, the legal framework and socio-economic capacity of the host country, and support from the international community. They can include:

- Asylum procedures for persons seeking international protection;
- Protection for victims of trafficking;
- Child protection systems;
- Procedures to identify heightened risks to women;
- Support for persons with physical and mental disabilities, persons who have experienced torture or trauma, and elderly persons;
- Avenues for regularization or onward migration for people in search of economic opportunities, and persons seeking to join their families;
- Assisted voluntary return for those not claiming international protection and wanting to return to their country of origin;
- As a least preferred option, mechanisms for compulsory return.

These procedures are not necessarily mutually exclusive and may overlap for some persons: for example, victims of trafficking and unaccompanied or separated children may also have international protection needs. In such cases, asylum procedures can be conducted alongside other processes, including support and services to meet immediate needs. It is therefore important to establish coordination mechanisms and well-functioning referral systems between different processes and procedures. The objectives and outcomes of different processes and procedures are different (see below); not all are geared towards legalizing a person’s stay.

Mechanisms to address immediate medical and psycho-social needs, which are generally components of reception arrangements, are discussed in Chapter IV. Longer-term solutions, including local integration, legal onward movement or return, are discussed in Chapters VII and IX. This Chapter focuses on procedures to identify the protection needs of children, women at heightened risk, victims of trafficking, and on the asylum procedure.

1

Child-protection systems

A comprehensive child-protection system comprises laws, policies, procedures and practices designed to prevent and respond to child abuse, neglect, exploitation and violence. It provides non-discriminatory access to such systems for all children. Child-protection systems are particularly important for unaccompanied and/or separated migrant or asylum-seeking children. They often include mechanisms to address the child's immediate needs, the appointment of a legal representative and/or a guardian, family tracing and identification of a solution based on a "best-interests" determination. Coordination and referral mechanisms between the child-protection and asylum systems are important to ensure that the international protection needs of children are recognized and met.

CHILD-PROTECTION OFFICERS AND THE INTER-INSTITUTIONAL ROUNDTABLE ON UNACCOMPANIED CHILDREN AND WOMEN MIGRANTS, MEXICO, 2007

A *Background and Rationale*

Many unaccompanied children are part of the mixed migratory movements across the border of southern Mexico. In 2007, the Mexican migration authorities apprehended approximately 6,000 unaccompanied children. Some are fleeing domestic or other types of violence in their home countries; others are en route to join family members in the North, often in the United States. These unaccompanied children are among the most vulnerable of all migrants, and are at particular risk of abuse and human trafficking. Some are refugees but are unlikely to know of their right to seek asylum.

Two important initiatives in Mexico provide greater protection to this group of migrants: the Inter-institutional Roundtable on Unaccompanied Children and Women Migrants, and child-protection officers.

The Inter-Institutional Roundtable was established in March 2007 in Mexico City by the Under-Secretary for Population, Migration and Religious Affairs within the Ministry of Interior. The members of the Roundtable include government actors and international organizations with an interest in migration.

B *Actors*

- Department of Family Development
- IOM
- Mexican Commission to Assist Refugees
- National Human Rights Commission
- National Institute for Migration
- Secretary of Health
- Secretary of Public Education
- Secretary of Social Development
- UNHCR
- UNICEF
- UNIFEM

C *Actions*

Round table

The Round table meets regularly in Mexico City to evaluate inter-institutional strategies and coordination in relation to unaccompanied children and women migrants, exchange information and agree upon policies and mechanisms to guarantee the rights and protection of unaccompanied children and women migrants in Mexico. A technical group within the Roundtable identifies priorities, proposes joint action and coordinates strategic activities to be discussed during Roundtable meetings. The Roundtable played a critical role in establishing a corps of child-protection officers, and its member institutions have helped to train these officers.

Child-protection officers

The Government of Mexico, with the support of UNHCR and IOM, appointed 68 child-protection officers (CPOs) in early 2007 to serve as focal points for unaccompanied children. They are a corps of migration officials who are specially trained and tasked with providing holistic assistance to unaccompanied child and adolescent migrants. They work within the National Institute for Migration.

In 2008, the Government added 180 new CPOs, bringing the total number to 248. The CPOs follow cases to their conclusion, whether the child is repatriated, granted refugee status, or receives another sort of protection within Mexico. Part of their role is to inform children of their rights, including their right to seek asylum, and to identify children who may be refugees and refer them to the proper procedures.

UNHCR has held a number of training sessions for the CPOs, including on identifying potential international protection needs, skills for interviewing children, best interests determination procedures for unaccompanied minors in need of international protection, and on how to channel that child properly to the relevant government agencies and UNHCR. In addition, both of UNHCR Mexico's offices have designated staff who are focal points for interacting with CPOs.

D *Review*

Both of the above initiatives are relatively new. While the large number of institutions involved offers a range of expertise and experience, it also makes reaching agreements and taking action difficult. Having a smaller technical working group within the Roundtable mitigates these problems to some extent. The fact that the CPOs are a part of the National Institute for Migration ensures that they will have access to and information about unaccompanied children; however, their position as migration officials, that is, members of the agency tasked with controlling access to the territory and effecting deportations, hinders their independence and weakens their ability to advocate on behalf of the children in their care. CPOs sometimes tend to assume that unaccompanied minors want to return home if they do not immediately express a fear of doing so. But CPOs play a critical role to help ensure that the specific protection needs of children are identified and addressed.

E *Further information*

Child Protection Officers – Informational Sheet – Annex 1

Administrative instruction regarding Child Protection Officers within the National Institute for Migration (Circular: INM/CCVM/CRII/00325), 2009 – Annex 2

UNICEF Publication, "Protecting Children Migrating Alone – Challenges and Advances in Mexico", April 2009 – Annex 3

2

Procedures for identifying women at risk

Forced displacement can expose women and girls to a range of factors that may put them at risk of further violations of their rights. These can be present in the wider protection environment (such as security and communication problems; limited access to services, information or assistance; dependency, isolation or promiscuity) and/or be the result of the individual's particular circumstances (resulting, for example, from their civil status or position in the relevant migrant group; previous exposure to sexual and gender-based violence and other forms of violence; and the need for specific health care or other support). Identifying these women and girls can be difficult, particularly in the context of mixed movements, where there is a diversity of protection needs. The Heightened Risk Identification Tool can help to identify women at risk.

The Heightened Risk Identification Tool (HRIT) was developed by UNHCR to improve its ability to identify refugees at risk by linking community-based/participatory assessments and individual-assessment methodologies. It was designed to be used by UNHCR staff and partner agencies involved in community services and/or protection activities, including resettlement.

The HRIT is available at <http://www.unhcr.org/refworld/docid/46f7c0cd2.html>.

Identification and resettlement of a group of Eritrean women at risk detained in Libya.
See Chapter VII.

3

Procedures to protect victims of trafficking

States are increasingly creating protection systems for victims of human trafficking (VoTs), even though the individuals are mostly regarded as victims of crime and the protection and support offered, including shelter, counseling and temporary residence permits, is usually short-term. Some of the most effective systems are led by an inter-departmental coordination unit that brings together government agencies, international organizations and representatives from civil society. When necessary, these systems will also refer individuals to other protection systems, including to the asylum system for VoTs who may be in need of international protection.

IDENTIFICATION AND PROTECTION OF VICTIMS OF TRAFFICKING, NORWAY, 2008

A *Background and Rationale*

Norway established specific procedures for the protection of both asylum-seekers and victims of trafficking (VoTs) and instituted a National Coordination Unit (KOM) to protect and assist VoTs. KOM is managed by the National Police Directorate and is composed of representatives from the police, health, labour and justice sectors, child welfare institutions and NGOs. KOM has developed guidelines and organizes training sessions about trafficking for police and other government authorities.

The Norwegian system differentiates between identifying possible victims and verifying VoTs. While all organizations or individuals can *identify* possible VoTs, only specific government entities can *verify* a VoT.

The 2008 Immigration Act, which will enter into force 1 January 2010, includes two important clarifications. One of them stipulates that a VoT is considered a member of a particular social group, one of the grounds for persecution outlined in the refugee definition of the 1951 Convention. If a VoT is ineligible for refugee status, he/she may qualify for a form of subsidiary protection.

B Actors

- Child Protection Service
- KOM (National Coordination Unit for the assistance and protection of VoTs)
- NGOs (Women's Shelter [Krisesentersekretariatet], ROSA)
- Police
- UDI (Norwegian Directorate of Immigration)

C Actions

The Norwegian VoT protection system provides:

- An integrated, inter-disciplinary high-level unit linking the different agencies involved in dealing with trafficking victims;
- A range of services, such as shelter, health care and psychological support, social services, free legal aid, counseling, vocational training and assistance with repatriation, to people identified as possible VoTs during a six-month "reflection period";
- A one-year work and residence permit to VoTs who agree to stand witness in criminal proceedings. This permit can be renewed for another year;
- Routine discussions with all VoTs, soon after they have been identified, to enquire whether they want to report to the police. As part of this legal assistance, the possibilities of seeking asylum are discussed and examined;
- Training on trafficking issues for police and staff from UDI who interview VoTs;
- Legal services to child VoTs, who have the same rights as minor nationals under the Child Welfare Act. Child VoTs denied asylum are generally not deported but are granted residence on humanitarian grounds under the international protection system unless relatives or guardians are identified in the country of origin.

D Review

National and international cooperation needs to be strengthened, as do the early warning system and rehabilitation of VoTs.

E Further information

Norwegian Immigration Act of 2008 available at:

<http://www.ub.uio.no/ujur/ulovdata/lov-19880624-064-eng.pdf>.

NATIONAL COALITION AGAINST SMUGGLING OF MIGRANTS AND TRAFFICKING IN PERSONS, COSTA RICA, 2005

A *Background and Rationale*

Costa Rica set up a National Coalition Against Smuggling of Migrants and Trafficking in Persons in 2005 with the purpose of strengthening all actions aimed at preventing, combating, punishing and eradicating these transnational crimes.

B *Actors*

- Full members
 - Ministry of Foreign Affairs
 - Ministry of Health
 - Ministry of Interior and Public Security
 - Ministry of Justice
 - Ministry of Labour and Social Security
 - Ministry of Public Education
 - National Institute for Children
 - National Institute for Women
 - Ombudsperson Office
- Members with observer status
 - IOM
 - Members of civil society
 - UNHCR

C *Actions*

- The National Coalition adopted a Protocol for the Repatriation of Child Victims of Trafficking in Persons that aims to identify the competent authorities and their roles in cases where repatriation was deemed the appropriate protection response to victims of trafficking. The Protocol recognizes the right to seek asylum and encompasses a safeguard provision in line with that contained in the 2000 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons;
- The Coalition organized training activities;
- The Coalition set up an Immediate Response Team to handle and coordinate direct action for victims of trafficking.

D *Review*

The National Coalition has raised awareness about human trafficking and improved coordination among key actors. It has also developed concrete guidelines on specific topics.

E *Further information*

Executive Decree No 34199-G-MSP-J-MEP-MTSS-RREE of 12 March 2007, establishing the national coalition against trafficking in migrants and persons) – Annex 4
Also available at <http://www.acnur.org/biblioteca/pdf/6050.pdf>.

National Protocol on the repatriation of children and adolescent victims of human trafficking, 2007 (only in Spanish) – Annex 5
Also available at <http://www.acnur.org/biblioteca/pdf/5570.pdf>.

In the context of the UN Global Initiative to Fight Human Trafficking (**UN.GIFT**), IOM has developed some **Guiding Principles on memoranda of understanding among key stakeholders and law enforcement agencies on counter-trafficking cooperation** (March 2009). These Guiding Principles provide recommendations and practical examples on cooperation with law enforcement officials to improve identification of and assistance to victims of trafficking.

They are available at:

http://www.ungift.org/docs/ungift/pdf/humantrafficking/Guiding_Principles_annexe.pdf.

IOM/UNHCR Framework for Standard Operating Procedures for the Identification and Protection of VoTs (forthcoming)

The overall objective of this framework document is to improve cooperation between UNHCR and IOM with regard to the identification and implementation of protection solutions for victims of trafficking (VoTs). The document aims to encourage the development of standard operating procedures between IOM and UNHCR at country level in order to provide the best possible protection to trafficked persons. It suggests a procedure for cooperation that aims to ensure that the available expertise, capacities, and potential of each agency are best employed.¹

¹ Throughout the document, for ease of reference “agency” will be used to refer to either UNHCR or IOM.

Asylum procedures

4

In countries affected by large mixed migratory movements, the asylum system becomes strained if many of the arrivals, regardless of their international protection needs, apply for asylum in order to avoid deportation and to regularize their stay, at least temporarily.

As suggested in the 10-Point Plan, a comprehensive approach to mixed migration can mitigate these pressures by initiating cooperation arrangements among those countries falling along migration routes, introducing legal migration opportunities, and/or offering differentiated approaches to arrivals. The “profiling and referral” exercise proposed in Chapter V is another important tool that can be used to reduce the number of undeserving asylum claimants.

But there are also tools within the asylum system that can assist in rapidly identifying those asylum-seekers who do not need international protection. These tools can be divided into two categories: management tools and procedural tools. While both have the same objective – to increase the efficiency of the asylum procedure – management tools aim to improve organization of the workload overall, while procedural tools affect the procedural rights accorded to asylum applicants who fall within certain categories of cases. It is therefore important, in the latter case, to ensure that efforts to increase efficiency do not unduly compromise procedural safety.

4.1 Tools for managing caseloads

Caseload-management tools can help to ensure that asylum procedures run efficiently. The following tools could be applied alone or in combination with others.

4.1.1 Caseload analysis

Undertaking a general analysis of all incoming asylum applications as a group prior to hearing individual claims can help authorities to better manage asylum procedures. The goal is to obtain a broad picture of the nature and categories of claims, including the main countries of origin, membership of ethnic or social groups, age, and motives for moving. This can be useful for scheduling interviews, managing resources, ensuring that country-of-origin information is accurate and up to date, and that appropriate interpreters are available. The caseload analysis can be drawn from information gathered during profiling and referral exercises (see Chapter V), but also could be based on information gathered at registration or similar procedures² (see example from Canada below).

4.1.2 Country-of-origin information

Country-of-origin information lays the groundwork for effective asylum procedures, facilitating caseload analysis and efficient decision-making. This information is most useful when it is comprehensive, accurate, impartial, up-to-date and drawn from a variety of sources. It should include general information on relevant countries and regions of origin, as well as a description of various groups and sub-groups, including political, social and ethnic sub-groups that may be at risk of persecution, and any other information that may be relevant to asylum claims. It may also be useful if decision-makers are given guidelines on appropriate and effective use of country-of-origin information.

² See also Chapter II on data collection and analysis.

Database for country-of-origin information: Refworld UNHCR's state-of-the-art, internet-based protection information system, available at www.refworld.org

Quality standards for the use of country-of-origin information

- UNHCR: Country-of-origin information: Towards enhanced international cooperation, February 2004.
- ACCORD (Austrian Centre for Country-of-Origin and Asylum Research and Documentation): Researching country-of-origin information, 2004.
- The IARLJ (International Association of Refugee Law Judges) paper "Judicial Criteria for Assessing Country-of-origin information", 2006.
- Common EU Guidelines for Processing Country-of-origin Information (COI), April 2008.

All documents are available at <http://www.unhcr.org/refworld/training.html>.

4.1.3 Guidance for interviewers

Providing those officials conducting asylum interviews with a tool to guide them through the interview can ensure that key issues are raised and that there is consistency across interviews. This tool could be simply a basic checklist of questions or issues to be raised. The content would vary depending on the nature of the caseload; it could be drawn from information gathered at profiling and referral, or during the caseload analysis. For example, questions could be identified that will help to determine a person's ethnic, social or political sub-group. Any guidance should provide flexibility to allow for the interviewer's own discretion.

UNHCR PRE-SCREENING FORM FOR ETHIOPIAN ASYLUM-SEEKERS, BOSSASSO, 2006

A *Background and Rationale*

The Pre-screening Form (hereafter the Form) was designed to facilitate “fast refugee status determination” of Ethiopian asylum-seekers in Bossasso who were threatened with deportation.

B *Actor*

UNHCR

C *Actions*

- UNHCR staff (not necessarily of RSD background) filled out the Form when interviewing arrested/detained illegal migrants in Bossaso who were threatened with deportation. In addition to biographical data and flight motives, the form highlights several categories of persons, such as those with connections to the Oromo Liberation Front (OLF), or to the Derg regime or those who have been arrested, and asks the interviewer to identify the category to which the applicant belongs.
- The use of the Form enabled UNHCR to conduct an intensive RSD exercise for around 200 persons within 2-3 months.

D *Review*

The questionnaire aims at capturing protection needs while guiding the interviewing staff. It is easy and fast to complete, and because interviewing staff were first trained on what they should look for, the margin of error was reduced. There was, moreover, almost no risk of not capturing the protection needs of a person of concern, because of his/her inability to articulate his/her "refugee" claim.

The form allows the interviewer to assess the credibility and consistency of the applicant's statements against country-of-origin information, whether any fear of persecution is well-founded, the claim's connection to Convention grounds, and any triggers for exclusion clauses. It then provides a list of the available profiles and outcomes that may be considered.

The Form applied in a context of mixed migration involving mostly a non-prima facie caseload.

The positive outcomes included enhanced cooperation with IOM and the local authorities, the signing of an MOU between UNHCR-Puntland authorities, setting up of a Puntland Refugee Affairs Committee and last but not least, the recognition and protection of a significant number of Ethiopian refugees in that part of Somalia.

E *Further information*

UNHCR Bossasso: Pre-Screening form – 2006 – Annex 6

4.1.4 Strategic allocation of staff and resources

Adopting a strategic approach to allocating staff and resources allows asylum authorities to build on information gathered during profiling and referral exercises and from the caseload analysis. For instance, rather than considering each case on a first-come-first-served basis, authorities could identify certain categories of cases for prioritized scheduling or allocation of more staff, such as:

- Cases that appear to be straightforward (no more than one issue of fact or law in doubt, strong evidence to support the applicant, no need for further research or evidence-gathering);³
- Cases involving applicants with specific or urgent needs, such as unaccompanied or separated children, victims of torture, victims of trafficking and women at risk;
- Cases involving repeat applicants;⁴
- Ad hoc responses for certain groups of applicants, such as those from a particular region of origin, social network or family groups, if it would be desirable to process their claims more quickly.

This approach will clearly be advantageous for individual applicants with specific needs who receive priority processing. But it can also have a broader impact on overall management of the asylum system: prioritization of straightforward cases could allow authorities to reduce a backlog by processing a number of simple cases quickly.

Strategic resource allocation should not be confused with accelerated procedures for manifestly unfounded cases (discussed below). Individuals whose claims are prioritized as part of strategic resource allocation would still receive the same full procedural rights and guarantees as other applicants. That said, depending on the circumstances, an asylum claim could be considered both for prioritization as part of strategic resource allocation and for admissibility to accelerated procedures involving a reduction in procedural rights for that individual.

³ The question of “complexity” should be distinguished from the question of whether a case is “manifestly unfounded” in the context of accelerated procedures.

⁴ “Repeat applicants” are asylum-seekers whose first asylum application has been rejected and who then lodge a second or further asylum application(s).

CASELOAD MANAGEMENT IN CANADA

A Background and Rationale

The Immigration and Refugee Board (IRB) is an independent, quasi-judicial, specialized tribunal that determines whether an individual is a refugee. A Personal Information Form filed with the IRB provides information on identity, travel routes, education and employment history, family ties, marital and immigration status, criminality, refugee status elsewhere, removal, and the reasons for having left the country of origin. The IRB assesses the form and determines the process most suited for the applicant.

B Actor

Immigration and Refugee Protection Board of Canada (IRB)

C *Actions*

Each claim is reviewed by the IRB and assigned one of three procedures:

- A fast-track expedited process for claims from certain countries or certain types of claim. This process focuses on manifestly well-founded cases. An interview is conducted by a Refugee Protection Officer, who makes a recommendation regarding suitability for this procedure. If the finding is favourable, the claim is forwarded to an IRB decision-maker who decides if the claim should be accepted without a hearing. A full hearing is held if protection is not granted under the expedited process.
- A fast-track hearing for claims that appear to be simple due to a limited number of issues. A member of the Board holds a hearing, not attended by a Refugee Protection Officer.
- A full hearing for claims that involve two or more issues and may be complex. A Refugee Protection Officer may assist the Board member.
- Article 166 of the Canadian Immigration and Refugee Protection Act specifically acknowledges UNHCR's mandate and right to monitor procedures.

Other features include:

- The development of tools to promote quality and consistency in decision-making, such as standardization of high-quality country-of-origin documentation and guidelines for decision-makers.
- The development of tools to promote more efficient hearing processes, including guidelines for chairpersons on procedural matters, shorter written reasons, and a greater number of oral decisions (the applicant receives a written transcript of the oral reasoning).
- Professional development and training for staff, including close engagement with UNHCR.

D *Review*

The Canadian asylum procedure is well-developed, well-funded and officials have significant experience. The Canadian asylum system is also commendable for the level of professional development and training it provides to its staff. Despite the introduction of these caseload management tools, the system is currently confronted with a sizeable backlog.

E *Further information*

Full details on the Canadian Immigration Refugee Board are available at:

www.irb-cisr.gc.ca.

4.2 *Procedural tools*

Unlike the caseload-management tools outlined above, procedural tools alter the mechanism for examining an asylum claim and affect the procedural rights of an individual under international law.⁵ It is therefore important to ensure that minimum procedural standards are applied and that the asylum procedures are not only efficient but also fair. This section outlines two procedural tools that may improve the efficiency of asylum applications: admissibility procedures and accelerated procedures.

⁵ For a more detailed discussion on admissibility and accelerated procedures, see UNHCR, *Asylum Processes*, note 12 *supra*; see also ECRE Guidelines on Fair and Efficient Procedures for Determining Refugee Status (September 1999).

4.2.1 Admissibility procedures

Admissibility procedures allow authorities to consider whether a full substantive assessment of a particular asylum application has already been conducted, either in that State or another State, or whether a full assessment would be more appropriately conducted in another jurisdiction.⁶ If the answer is affirmative in either case, the State need not consider the full merits of the application in its own asylum procedures. Admissibility procedures can be part of a responsibility-sharing strategy between countries and can help to address the problem of secondary movements.

The introduction of admissibility procedures could be useful in States facing a large number of applications from persons in the following categories:

- Applicants who have already found effective protection in another country, who can be returned to that country, and who will continue to enjoy effective protection there.
- Applicants for whom responsibility for assessing the merits of the asylum application has been *legally* and *in fact* assumed by a third country, providing the asylum-seeker will be protected from *refoulement* and will be able to seek and enjoy effective protection in that country.
- Repeat applicants whose asylum applications have already been rejected after a full and fair examination, and who do not provide new evidence, such as significant changes to their individual situation or to the circumstances in the country of origin.

4.2.2 Accelerated procedures

Accelerated procedures could be used in situations where asylum procedures are under pressure because of a large number of applicants who manifestly have no international protection needs, but nevertheless submit asylum requests for non-protection-related reasons. These are asylum applications that are either “manifestly unfounded” or “clearly abusive”.⁷

A claim is manifestly unfounded if an applicant’s statement and evidence do not trigger any element of the refugee definition or another basis for international protection.

An application is abusive if the applicant grounds his/her request on documents, facts, data or allegations that are manifestly false, no longer relevant or scientifically implausible. Lack of documentation, in itself, is not sufficient to render a claim manifestly unfounded or clearly abusive.⁸

The content of accelerated procedures will vary depending on the circumstances. However, minimum international standards for asylum procedures apply.⁹ In particular, every applicant should receive a personal interview by an official of the competent asylum authority and have the opportunity to present evidence. Acceleration of procedures would occur only after this first stage interview has been completed; negative decisions from cases assessed as manifestly unfounded or abusive could be issued in a simplified, standardized format. Appeal procedures could then be accelerated, involving:

- Shortened time limits for filing for appeal;
- Discretion not to hold an interview on appeal if no new elements are presented;

⁶ For further discussion on admissibility procedures, refer to: Global Consultations on International Protection, Asylum Processes (Fair and Efficient Asylum Procedures), 31 May 2001.

⁷ UNHCR Executive Committee Conclusion No. 30 (XXXIV).

⁸ Article 1(2) of the 1951 Convention; Global Consultations on International Protection, Asylum Processes (Fair and Efficient Asylum Procedures), 31 May 2001.

⁹ For the minimum standards for accelerated procedures, see: UNHCR Executive Committee Conclusion No. 30 (XXXIV) (1983).

- Shortened time limits for issuing appeal or review decisions; if a decision is not possible within this period, the case could be referred to the regular procedure;
- Use of standard forms for issuing negative appeal decisions;
- No possibility of further review after one negative appeal decision.

In situations where forced returns are immediately conducted after a negative decision from accelerated procedures, UNHCR or a qualified NGO (or NGO panel) could be given a veto right against return as an additional safeguard.

UNHCR also supports the introduction of accelerated procedures for manifestly well-founded applications. However, as mechanisms do not reduce the asylum-seekers' procedural rights, they are discussed in Chapter 1.4 (strategic staff and resource management).

“AIRPORT PROCEDURE”, AUSTRIA, 2005

A *Background and Rationale*

The Austrian Asylum Act created a procedure for asylum applications filed at an airport in which UNHCR holds a right to veto certain decisions taken by the first-instance asylum authority at the airport.¹⁰

B *Actors*

- Austrian Federal Asylum Agency
- UNHCR

C *Actions*

Persons who express a wish to seek asylum at Vienna International Airport are referred to the asylum authority that determines the cases to be decided immediately and, where appropriate, returned to the relevant countries.

There are two grounds upon which an asylum application would be rejected at the airport:

1. Rejection on admissibility grounds (application of the safe third-country principle or the Dublin II Regulation¹¹)
2. Rejection on the merits:
 - Where the asylum-seeker has, despite being informed of the consequences, attempted to deceive the asylum authority of his/her identity/nationality/authenticity of documents (clearly abusive);
 - Where the allegations made by the asylum-seeker clearly do not correspond to reality (manifestly unfounded);
 - Where the asylum-seeker has not claimed a fear to return to his/her country of origin (manifestly unfounded);
 - Where the asylum-seeker comes from a so-called safe country of origin (manifestly unfounded).

¹⁰ Section 3 (Articles 31-33) of the Act in its current version governs these procedures.

¹¹ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national [Official Journal L 50 of 25 February 2003].

The first-instance asylum authority, the Austrian Federal Asylum Agency, transmits cases that it intends to reject as manifestly unfounded or inadmissible to the UNHCR Office in Austria. UNHCR has a right to veto the rejection that must be exercised within 48 – and in any case no later than 96 – working hours.¹² If UNHCR exercises this right, the applicant is granted entry and enters the regular procedure. An appeal against a rejection in the airport procedure has to be made within seven days. Applicants whose claims are decided at the airport are housed in reception areas on the airport premises, and have access to legal counseling.

Asylum-seekers with more complex cases are granted entry to the territory and referred to the regular procedure.

D *Review*

UNHCR's involvement in the procedure is an important protection safeguard and assists the Austrian authorities in ensuring protection against *refoulement* in the context of these specific border procedures, where negative decisions result in immediate removal.

Involvement in the procedure allows UNHCR to collect first-hand information on the mixed character of irregular movements at Austria's main external Schengen border.

The regular exchange between UNHCR and officials from the Federal Asylum Agency and the border police fosters a joint understanding of protection obligations and challenges.

E *Further information*

Agreement between the Austrian Federal Government and UNHCR concerning the cooperation of UNHCR in asylum procedures where the application has been filed at the border control following entry via an airport – Annex 7

Austria Federal Act Concerning the Granting of Asylum (2005 Asylum Act -Asylgesetz 2005) Federal Law Gazette (FLG) I No. 100/2005 – Annex 8

¹² UNHCR, however, does not have the right to veto decisions according to which, based on the Dublin Regulations, another Member State of the European Union is responsible for the determination of the asylum request.

UNHCR can make recommendations during the procedure at the Spanish border.

Royal Decree 511/1985 of 20 February 1985 – Annex 9

The Danish Refugee Council has a veto right in Denmark's manifestly unfounded procedure.

Aliens Consolidation Act N° 808 of 8 July 2008 – Annex 10

ACCELERATED PROCEDURES, SOUTH AFRICA, 1998

A *Background and Rationale*

South Africa is a centre point for mixed migratory movements and is the country that receives the largest number of applications for asylum worldwide (around 50,000 in 2007 and over 200,000 in 2008). In recent years, South Africa has come under increasing pressure to process asylum applications in a rapid but efficient manner. To ensure a better use of resources, the Department of Home Affairs established an accelerated procedure for asylum-seekers who obviously do not qualify for international protection.

B *Actors*

South African Department of Home Affairs

C *Actions*

- Asylum-seekers may lodge an application at one of five refugee reception centres (Pretoria, Cape Town, Durban, Port Elizabeth and Musina). A refugee reception officer interviews the applicant and assists him/her in completing an Eligibility Determination Form.
- The form requests biographical and identity information as well as the applicant's reasons for applying for asylum, previous claims for asylum and criminal records. It also contains specific questions to screen out "manifestly unfounded" cases with questions on the country of origin. The officer warns applicants that providing false information can discredit their application and lead to prosecution.
- According to Section 24(3) of the Refugee Act, the refugee status determination officer makes a decision based on the information provided in the form. Manifestly unfounded, abusive or fraudulent claims are forwarded to the Standing Committee for Refugee Affairs, which can review the application and uphold or overturn a decision by the RSD officer. There is no right to appeal a Committee's decision.

D *Review*

This procedure introduced for manifestly unfounded and/or abusive applications, which excludes cases from a full examination at appeal levels, may help to unclog an overburdened system.

The Government has not put in place a system that monitors or enforces the removal of unsuccessful asylum-seekers from its territory.

E *Further Information*

Republic of South Africa Refugees Act 1998 (selected articles) – Annex 11

Republic of South Africa, Department of Home Affairs, Eligibility Determination Form for asylum-seekers – Annex 12

ACCELERATED MANDATE RSD, MOROCCO, 2005

A *Background and Rationale*

An accelerated procedure was implemented by UNHCR Rabat at the end of 2005 to quickly identify clearly abusive and/or manifestly unfounded claims so that resources could be devoted to persons with legitimate international protection needs. This procedure was developed to clear the backlog of applications and was only applied for a short period of time.

B *Actor*

UNHCR

C *Actions*

The accelerated procedure was applied to the following applications:

- Clearly abusive or manifestly unfounded applications;
- Applicants from certain countries whose claim is neither abusive nor manifestly unfounded, but for whom there was an extremely low recognition rate over the past year.

The applicants were subjected to a short screening interview and a complementary interview upon referral, and had the right to appeal a negative decision.

The policy to distribute asylum-seeker certificates to all applicants was discontinued. Only asylum-seekers whose applications were determined not to be abusive or unfounded were granted a certificate.

Applications from persons with special needs were prioritized (“manifestly well founded”). These include survivors of torture or trauma, women at risk, elderly persons without support, disabled persons without support, persons in urgent need of medical assistance, and certain child applicants, especially unaccompanied or separated children.

Appeals for rejected applications were lodged within 48 hours of the negative decision, which was decided within one week. When an appeal was successful, the applicant was channeled into regular procedures, granted an asylum-seeker certificate and scheduled for a regular status determination interview.

D *Review*

The administration of accelerated procedures for manifestly unfounded or clearly abusive claims had the desired effect of deterring illegitimate applications. In addition, discontinuing asylum-seeker certificates for all applicants significantly lowered the incentive of nationals of countries not known for persecution or violence to apply for asylum.

The number of cases rejected at first instance as manifestly unfounded decreased dramatically after the first few months. This was due to two factors:

- The discouragement of manifestly unfounded claims; and
- An improvement in the quality of analysis determining unfounded or abusive applications.

Although the procedure helped to make more resources available to address legitimate protection needs, it was lengthy and often involved complementary interviews when doubts arose. Furthermore, an artificial limit was placed on the number of persons that could be registered because of a lack of staff and resources. It was, therefore, discontinued.

UNHCR Support Available

UNHCR may assist partners by:

- Providing assistance as part of its supervisory role under Article 35 of the 1951 Convention. UNHCR's supervisory role may be exercised on an *ad hoc* basis or through a formal consultative process;
- Helping to develop tools to manage caseloads. UNHCR can play an important support role in asylum procedures in emergency and large-scale influx situations. UNHCR can help to coordinate, manage and liaise with partners, and can provide expert staff to assist with various aspects of the asylum process, in cooperation with States. UNHCR's presence can help to generate international support and burden-sharing for a particular host country;
- Supporting States, other international organizations and relevant NGOs in establishing or strengthening other processes and procedures.

List of Annexes and Selected References

Annexes

- Annex 1:** Child Protection Officers, Protection Model for Unaccompanied Children and Adolescents - Informational Sheet.
- Annex 2:** Excerpts from Mexico's administrative instruction regarding Child Protection Officers within the National Institute for Migration (Circular: INM/CCVM/CRII/ 00325), 2009.
- Annex 3:** UNICEF Publication, "Protecting Children Migrating Alone – Challenges and Advances in Mexico", April 2009.
- Annex 4:** Executive Decree No 34199-G-MSP-J-MEP-MTSS-RREE of 12 March 2007, establishing the national coalition against trafficking in migrants and persons.
- Annex 5:** IOM and UNICEF Costa Rica, National Protocol on the repatriation of children and adolescent victims of human trafficking, 2007 (Spanish only).
- Annex 6:** UNHCR Bossasso: Pre-Screening form, 2006.
- Annex 7:** Agreement between the Austrian Federal Government and UNHCR concerning the cooperation of UNHCR in asylum procedures where the application has been filed at the border control following entry via an airport.
- Annex 8:** Austria Federal Act Concerning the Granting of Asylum (2005 Asylum Act – Asylgesetz 2005) Federal Law Gazette (FLG) I No. 100/2005.
- Annex 9:** Royal Decree 511/1985 of 20 February 1985
- Annex 10:** Aliens Consolidation Act N° 808 of 8 July 2008
- Annex 11:** Republic of South Africa Refugees Act 1998 (selected articles).
- Annex 12:** Republic of South Africa, Department of Home affairs, Eligibility Determination Form for asylum-seekers.

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Solutions for refugees

7



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- A Template of a Tripartite Voluntary Repatriation Agreement

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- ECRE Good Practices Guide to the Integration of Refugees in Central and Eastern Europe (2001)

2.3 Resettlement

Practical examples

- Resettlement Component of the Mexico Plan of Action
- Resettlement of a group of Eritrean women at risk detained in Libya

3. Solutions based on migration frameworks

Practical examples

- Regularization of Sierra Leonean and Liberian Refugees, Nigeria
- Short-term Residence Permits for Acehese Refugees in Malaysia

See also examples in Chapter IX.

After refugee status has been determined and immediate protection needs addressed, refugees may need support to find a long-term and durable solution that will enable them to rebuild their lives and to realize their human rights, which they were deprived of when they fled their homes. These solutions also reduce the need for irregular onward movements.

UNHCR promotes three durable solutions for refugees as part of its core mandate: voluntary repatriation, local integration, and resettlement. Finding a durable solution is a process that often takes time. Enabling the refugee to become self-reliant, pending the realization of an appropriate long-term solution is an important first step towards any of the three durable solutions. Partnership among governments, humanitarian and development actors can assist in developing a comprehensive strategy to achieve durable solutions.

There is no hierarchy of durable solutions: often an integrated approach, combining all three and implemented in close cooperation among countries of origin, host States, UNHCR and its partners, and the refugees themselves, offers the best chances for success.

The concept of durable solutions has traditionally been associated with permanent settlement, whether in the host country, a third country or the country of origin. In the context of globalization, and at a time when many host countries and countries of origin in a post-conflict phase cannot yet offer adequate jobs and livelihoods, some refugees or former refugees may consider whether regularization in the host country or legal migration to a third country could offer an alternative, either short term or permanently. Migration opportunities may also broaden the protection space for refugees, especially in States that are not signatories to the 1951 Convention. Since these programmes are generally not created specifically for refugees, migrants also benefit from them.

This Chapter does not purport to outline anything radically new or specific to mixed flows regarding the three classic durable solutions for refugees. Since there are a range of publications with practical guidance and examples already available on this issue, these sections of the Chapter were kept short and the reader is referred to publications from which additional guidance can be obtained. The few practical examples contained in this Chapter constitute just a small sample of the many existing initiatives in this area.

1

Facilitating self-reliance pending a durable solution

Providing durable solutions for refugees will be most effective if refugees have been allowed to become self-reliant in the period prior to the establishment of that durable solution. “Self-reliance” means the economic and social ability of the refugee individual, household or community to meet his, her or its own essential needs in a sustainable manner and with dignity. In practice, self-reliance usually means granting refugees access to the economic life of the host country, including through access to the labour market. Education, micro-financing, language and vocational training, and access to adequate accommodation and social services can help refugees to become self-reliant.

In principle, self-reliance can be encouraged during the asylum procedures and prior to recognition of refugee status. The scope of benefits and access offered can be expanded when the person is recognized as a refugee, pending the identification of a durable solution. Facilitating self-reliance over an extended period in this way allows the time spent between arrival, recognition of refugee status and identification of durable solutions to be constructive, both for refugees themselves and for the host community, and improves the sustainability of any future solution.

HOUSE OF RIGHTS OF DESAMPARADOS, COSTA RICA, 2007

A *Background and Rationale*

Desamparados is one of the most populated and impoverished counties in San José, Costa Rica. The population in this county includes undocumented migrants, refugees, asylum-seekers and other persons with specific needs, including victims of sexual and gender-based violence.

The House of Rights, which is based on an agreement between UNHCR and the Municipality of Desamparados, is a project that aims to protect the rights of and provide counseling to asylum-seekers and refugees, as well as migrants and local people in vulnerable situations.

B *Actors*

- ACAI (UNHCR’s main implementing partner in Costa Rica)
- Municipality of Desamparados
- UNHCR
- University of Costa Rica

C *Actions*

- The House of Rights applies a refugee self-reliance strategy that focuses on providing adequate orientation and legal aid to refugees and asylum-seekers in order to assist them in finding employment and accessing public services, especially in the areas of health and education.
- The project seeks to empower the most vulnerable persons in the county through legal counseling, training on HIV and STI prevention, employment opportunities, and adequate use of government services, such as health, education and other social services.
- The project also seeks to build the capacity of local institutions to protect human rights and to develop new alliances between national and local institutions.
- The House of Rights integrates its services with those provided by local public institutions to avoid duplication.

D *Review*

The project promotes the local integration of refugees in Costa Rica and provides its beneficiaries with access to justice. The Project is instrumental in teaching refugees about their rights in a variety of matters, including access to appeal procedures and the labour market, child protection, access of women victims of violence to national legislation/protection, and housing rights.

E *Further information*

Inter Agency Standing Committee Protection Cluster Working Group: Good Practices in Protection, information sheet – Annex 1

COMMUNITY CENTRE FOR REFUGEE WOMEN AND CHILDREN, A UNHCR PROJECT: WOMEN LEADING FOR LIVELIHOODS, MOROCCO, OCTOBER 2007 – DECEMBER 2009

A *Background and Rationale*

The Moroccan government has not yet established a functioning asylum system. UNHCR undertakes refugee status determination on the basis of its mandate; but because its decisions are not formally validated by the Moroccan authorities, the Government does not issue residence and work permits to refugees recognized by UNHCR. Because of their lack of legal status, language barriers and lack of employment opportunities, refugees have difficulty in becoming self-reliant. Engagement in income-generating activities is particularly difficult for single women. Many of them have been victims of sexual violence.

With the support of UNHCR, and through the Women Leading for Livelihoods initiative, the Fondation Orient-Occident established a Community Centre for Refugee Women and Children. The centre includes a library, an internet café, and a day-care centre for young children. It offers a range of additional training and income-generating activities and services tailor-made for refugee women and children.

The project aims to enhance the capacities of refugee women and their families to become self-reliant by encouraging income-generating activities and offering vocational training. It also provides psychological services and recreational activities, and works with members of the refugee community to raise awareness about social, educational and livelihood opportunities and about public health and hygiene issues.

B *Actors*

- FOO (Fondation Orient-Occident)
- Swiss Development Cooperation
- UNHCR

C *Actions*

- Vocational training courses in bakery, hairdressing and tailoring (taught by the refugees themselves) and training in IT, Arabic and French;
- Weekly counseling sessions to address the psycho-social needs of the refugee community;

- Regular information and awareness-raising sessions on prevention, testing and treatment of sexually transmittable diseases and HIV/AIDS;
- Kindergarten and day-care programmes for babies and children up to seven years old;
- Recreational activities.

D *Review*

Over 80 women have registered at the centre and participate in classes and income-generating activities. Fifteen boys and girls are enrolled in the centre's day-care programmes. The absence of a residence permit keeps refugees in a fragile legal and socio-economic condition. This might prevent them from fully participating in the centre's activities.

E *Further information* available on the following websites:

www.unhcr.org.

www.fondation.orient-occident.org.

2

Durable solutions

2.1 *Voluntary repatriation*

Voluntary repatriation in safety and dignity, where and when feasible, is one of the three durable solutions for refugees. Voluntary repatriation of refugees generally requires appropriate measures to ensure that any choice regarding return made by refugees is voluntary, free from coercion and based on objective information. Support for the return of refugees in and to conditions of physical, legal and material safety, with full restoration of national protection as the ultimate end, ensures that return takes place in safety and with dignity and that it is sustainable.

Involvement of all stakeholders, including returnees, host and home countries, UNHCR, other international agencies, and partner NGOs, is an important element in repatriation exercises. Cooperation arrangements can ensure that an appropriate framework for sustainable return is set in place both in the host country (provision of information, documentation, financial support) and in the country of origin (legal guarantees for amnesties, property restitution, reintegration projects).

Sample [Tripartite Voluntary Repatriation Agreement](#) between the Country of Asylum, the Country of Origin and UNHCR (also available in French) – Annex 2

UNHCR Support Available

UNHCR may assist partners by:

- Providing information and advice on the situation in the country of origin;
- Facilitating return, by negotiating tripartite agreements between the country of asylum, country of origin and UNHCR;
- Promoting “go and see” visits;
- Monitoring the repatriation and reintegration processes in cooperation with other actors;
- Promoting development assistance and sustainable reintegration.

2.2 Local integration

Local integration into the country of first asylum can be an appropriate solution in some asylum countries or for some groups of refugees. In many countries, especially in Europe and North America it is the solution for most refugees. The scope and pace of the integration process will depend on refugee caseload and the social and economic conditions in the host society. In States party to the 1951 Convention relating to the Status of Refugees, this instrument provides the legal framework for the integration process.

Groups often considered on priority basis for local integration include refugees born on the territory of the host state who may otherwise be stateless, refugees who do not have the possibility to repatriate in the foreseeable future, or refugees who have established close links to the host State. Asylum countries sometimes also adopt an incremental approach to local integration by granting initial secure stay permits that gradually lead to a wider range of rights and entitlements over time. Some rights that would normally be provided from the outset include documentation, administrative assistance and freedom of movement, as well as rights to work, education and health care and the right to family unity.

In certain situations, countries of asylum may be willing to integrate refugee populations but may lack sufficient resources and require assistance and support from the international community, such as through the “Development through Local Integration” methodology.

ECRE GOOD PRACTICES GUIDE TO THE INTEGRATION OF REFUGEES IN CENTRAL AND EASTERN EUROPE, 2001

This guide provides practical examples of local integration of refugees in various countries in Central and Eastern Europe. It elaborates measures to assist host states in helping refugees to integrate locally:

- Counseling, outreach programmes and community relations: Czech Republic: community counseling centres; Russia: Afghan Outreach Network; Romania: information campaigns;
- Education and language courses: Russia: educational centre for refugees and forced migrants;
- Training and business start-ups: Belarus: centre providing professional guidance to refugees; Romania: self-employment assistance from the Romanian National Council for Refugees;
- Medical and psycho-social care: Ukraine: health and education programmes; Hungary: psycho-social counseling and therapy;
- Housing facilities: Ukraine: accommodation provided to refugees.

The Guide is available at www.ecre.org.

UNHCR Support Available

UNHCR may assist partners by:

- Advocating the advantages of integrating a refugee population;
- Advising on laws and policies on asylum and migration;
- Promoting dialogue between countries of asylum to share good practices on local integration;
- Identifying implementing partners for reintegration projects, such as NGOs for micro-finance schemes, vocational training and community mobilization projects.

2.3 Resettlement

Resettlement of refugees to a third country where they can enjoy long-term protection and integrate into the host society can be a solution for some refugees, particularly those with limited prospects of local integration or voluntary repatriation, or for those with specific vulnerabilities who cannot find adequate protection in the country of origin or the country of asylum.

In the context of mixed movements, resettlement programmes can be an effective mechanism for burden- and responsibility-sharing, providing options to alleviate strain on first countries of asylum. The existence of resettlement agreements can increase the initial willingness of coastal States to disembark those rescued in maritime operations, and encourage countries of first asylum in general to process refugee claims and provide local integration options to some refugees. Resettlement options can also deter secondary movements by offering an incentive to countries of first asylum and transit countries to enhance the efficacy of protection in the first instance. A strategic use of resettlement in the context of a comprehensive approach that encompasses access to all three durable solutions, depending on protection needs, also decreases the risk of resettlement becoming a pull factor.

While strategic use of resettlement as a burden- and responsibility-sharing tool can be promoted by a single State, coordination among numerous resettlement countries and UNHCR is likely to maximize the benefits. Negotiations between resettlement countries and countries of first asylum confronted with arrival of refugees from similar countries could establish the parameters for resettlement programmes, including multi-year resettlement agreements and assistance for local integration and other improvements in the conditions for refugees in first asylum countries.

RESETTLEMENT COMPONENT OF THE MEXICO PLAN OF ACTION¹, 2004

A Background and Rationale

The Mexico Plan of Action (MPA) was adopted in November 2004 to promote concrete actions to protect refugees in Latin America. The programmes envisaged in the Mexico Plan of Action have also been applied to internally displaced persons and other migrants in Latin America. Among its components is a regional resettlement programme (“*Reasentamiento Solidario*”) aimed at promoting equitable and strategic division of responsibility among countries in Latin America, building on regional solidarity and highlighting the importance of regional approaches.

¹ See Chapter 1, practical example box on the Mexico Plan of Action for further details.

B *Actors*

- All Latin American countries
- Civil society
- NGOs (over 100)

C *Actions*

- Selection missions, composed of Government representatives and UNHCR delegates, identify the refugees to be resettled on the basis of their protection needs. For example, Brazil selects women at risk as the prime candidates for resettlement and prioritizes the processing of their applications;
- Resettlement States provide refugees with information on the conditions in the country of resettlement. For example, Argentina, Brazil and Chile provide future candidates with audio-visual information about the cultural, political, economic, social and geographical conditions in their new territory;
- Resettlement States provide refugees with pre-departure support. For example, Costa Rica and Ecuador, countries of asylum, provide physical, legal and socio-economic pre-departure support to urgent resettlement cases, including women at risk and victims of torture;
- All refugees chosen for resettlement have the right to refuse the option.

D *Review*

A relatively small number of refugees have been resettled.² This is largely due to the financial limitations of emerging resettlement countries. However, The MPA was instrumental for opening resettlement channels in the region, both for refugees from the region as well as for refugees from elsewhere. The MPA's Solidarity Resettlement Programme has encouraged three more Latin American countries (Argentina, Paraguay and Uruguay), in addition to Chile and Brazil, to provide resettlement.

E *Further Information*

Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America Mexico City, 16 November 2004 – Annex 3

² From 2005 to 2008, 639 refugees were resettled in Latin America (Argentina [160], Brazil [308] and Chile [171]), while Paraguay and Uruguay have each committed themselves to a small quota of 15 persons in 2009.

RESETTLEMENT OF A GROUP OF ERITREAN WOMEN DETAINED IN LIBYA, ITALY, 2007

A *Background and Rationale*

The Italian government responded positively to UNHCR's call to resettle 36 refugees, mostly women, selected among some 600 Eritreans living in the detention centre of Misratha, in Libya, in 2007. These women had been victims of various sorts of violence, including sexual abuse, during their flight from Eritrea through Sudan to Libya, and had no possibility of obtaining international protection in Libya, where they were under threat of being forcibly repatriated.

B *Actors*

- Association of Italian Municipalities
- Government of Italy
- Italian Council for Refugees
- UNHCR

C *Actions*

- UNHCR recognized the refugees detained in Libya under its mandate, started the procedures for their resettlement, negotiated the resettlement with the Italian government and assisted during the integration process.
- The Government of Italy responded to UNHCR's call and engaged in a resettlement project that involved central and local authorities, the Association of Italian Municipalities and the Italian Council for Refugees.
- The first stage of the project involved providing social services and targeted support, including courses in Italian. During the second stage, the programme offered professional courses, training and access to job opportunities.
- The group of refugees was received upon arrival at Rome airport and then accommodated in nine equipped apartments in different localities. From reception, they were accompanied by social workers and psychologists, and assisted by cultural mediators and interpreters, who worked with them during their integration period.

D *Review*

Most of the women who arrived remained in the programme and successfully integrated, thus making the project a model for receiving groups with specific protection needs.

The project resulted from successful trilateral negotiations between UNHCR and the Governments of Italy and Libya.

A few individuals who arrived with the first group left the project and illegally travelled to other countries to reunite with family members. This clearly illustrates the importance of managing refugees' expectations and providing them with information about the resettlement country before they are resettled.

UNHCR Support Available

UNHCR may assist partners by:

- Coordinating resettlement needs;
- Promoting cooperation among relevant actors;
- Developing resettlement criteria and identifying candidates;
- Promoting resettlement in combination with other durable solutions;
- Lobbying for resettlement opportunities, including increased quotas, diversified intake, introduction of more flexible selection criteria, greater number of resettlement-country agreements;
- Ensuring emergency resettlement through emergency resettlement centres.

Solutions based on migration frameworks

3

Refugees may also be able to access longer-term solutions within existing migration frameworks. Such solutions may consist of options to legalize their status (regularization) or of possibilities for onward legal migration to another country. They can be based on national law, bilateral agreements or regional frameworks and may arise at any time during the individual's life as a refugee. Migration frameworks can include free movement agreements, targeted programmes for specific groups, such as those with ethnic affiliations with the population of the host country, labour programmes, amnesties, and family reunification. They may exist in addition to solutions within the refugee-protection framework, but they are especially important in circumstances where solutions for refugees are unavailable or ineffective in the host country and where a legal status under migration law can substantially reduce protection risks and provide access to the labour market, health services and education.

In order to function as an effective alternative solution, migration options for persons with protection needs would normally allow for a stable and secure period of residence in the host country, provide sufficient guarantees against *refoulement*, deportation and expulsion, and offer the enjoyment of a progressively wider range of rights. The fact that a refugee acquires legal status under national aliens or immigration law may, but does not automatically, lead to a cessation of refugee status in international law.

REGULARIZATION OF SIERRA LEONEAN AND LIBERIAN REFUGEES IN NIGERIA, ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) PROTOCOLS RELATING TO THE FREE MOVEMENT OF PERSONS, RIGHT OF RESIDENCE AND ESTABLISHMENT

A *Background and Rationale*

The 1975 ECOWAS Treaty³ and the 1979 Protocol relating to the free movement of persons, residence and establishment and its four supplementary protocols⁴ conferred upon citizens of ECOWAS Member States the right to enter, reside and establish themselves in the territory of any Member State, provided they possessed a valid travel document and international health certificate. Refugees originating from ECOWAS Member States enjoy equal treatment.⁵

When peace was restored in Sierra Leone and Liberia, the Governments of the Republic of Liberia and Sierra Leone, the Government of the Federal Republic of Nigeria, ECOWAS and UNHCR signed a multipartite agreement in 2007 to locally integrate remaining Liberian and Sierra Leonean refugees in Nigeria, as cessation of their refugee status was pending.

³ See Article 59 of the 1975 Treaty establishing the Economic Community of West African States <http://www.comm.ecowas.int/sec/index.php?id=treaty&lang=en>.

⁴ 1985 Supplementary Protocol A/SP.1/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment; 1986 Supplementary Protocol A/SP.1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment; 1989 Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment; 1990 Supplementary Protocol A/SP.2/5/90 on the implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

⁵ See Final Communiqué, ECOWAS Commission, Authority of Heads of State and Government, 34th Ordinary Session, Abuja, 23 June 2008, at page 5.

The agreement acknowledges that the ECOWAS Protocols could be applied to refugees from Sierra Leone and Liberia in Nigeria and promotes that such legal status be explored by all parties as a “solution” for refugees upon cessation of their refugee status. Under the ECOWAS Protocols, citizens of ECOWAS Member States are allowed the right of entry, stay, residence and establishment within other Member States.

B *Actors*

- ECOWAS
- Government of Liberia
- Government of Nigeria
- Government of Sierra Leone
- UNHCR

C *Actions*

- Liberian and Sierra Leonean refugees have the possibility to opt for legal migrant status on the basis of the ECOWAS free-movement protocol;
- The Governments of Sierra Leone and Liberia provide their citizens who opt for this solution with valid identity and travel documents;
- The Government of Nigeria provides such refugees with residence permits for a period of three years, with the possibility of renewal. This permit allows working, residing and moving freely within Nigeria;
- Once issued an ECOWAS residence permit, the individuals are considered to have re-availed themselves of the protection of their country of nationality and to no longer benefit from refugee status;⁶
- UNHCR covers the fees incurred for the issuance of passports and residence permits;
- UNHCR has been asked by the ECOWAS Commission to establish a Regional Local Integration Management Unit (RLIMU) to facilitate acquisition of ECOWAS residence status, to promote awareness of ECOWAS Protocols, sensitize refugees on the ECOWAS system and monitor the system;
- Refugees who decide not to opt for local integration continue to enjoy refugee status until it ceases and may apply to remain in the country of asylum on other protection grounds.

D *Review*

The multipartite agreement offers Sierra Leonean and Liberian refugees in Nigeria, many of whom have been staying in their host country for many years, the option to reside and work while keeping their original nationality.

It also releases the post-conflict countries of origin from having to integrate too many returnees. Many of these citizens working in other ECOWAS Member States will contribute remittances to their home countries and thus help reconstruction efforts.

The Government of Sierra Leone has already issued national passports to 900 of its citizens who opted for local integration in Liberia under the multipartite agreement. A team of immigration officers from Free Town, Sierra Leone, conducted a mission to Abuja, Nigeria, in preparation to issue passports to all Sierra Leonean former refugees who have opted for local integration in Nigeria.

⁶ The legal basis for this decision is Article 1C (1) of the 1951 Convention.

According to recent statistics, among the 5,221 Sierra Leoneans registered as refugees in Nigeria and Liberia, 2,525 have already opted for local integration in their host country and will therefore benefit from the entitlements set out in the ECOWAS free-movement protocols.

The main shortcoming of the free-movement protocols is that their provisions are not fully implemented and do not provide a right to permanent stay.

E *Further information*

Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean refugees in Nigeria, June 2007 – Annex 4

SHORT-TERM RESIDENCE PERMITS FOR THE ACEHNESE REFUGEES AND MIGRANTS IN MALAYSIA, 2005

A *Background and Rationale*

The Government of Malaysia is not a signatory to the 1951 Convention relating to the Status of Refugees and does not have a national asylum procedure in place to recognize refugees and provide them with protection. As a result, the UNHCR office in Malaysia issued temporary protection documents to Acehnesse refugees; however, the authorities did not recognize the documents and did not provide redress from detention for unauthorized entry. Prior to the tsunami, the Malaysian government regarded these individuals as illegal migrants and continued to arrest and detain them. Releases were difficult to obtain unless for resettlement purposes.

In the aftermath of the tsunami, which also brought an end to the conflict in Aceh in 2005, the Malaysian government, acting upon the request from its Indonesian counterparts and local leaders in Aceh, agreed to regularize the situation of some 30,000 Acehnesse residing in the country by issuing IMM-13 residence and work permits. The UNHCR office then decided to gradually phase out issuing and renewing temporary protection documents to Acehnesse refugees in Malaysia.

B *Actors*

- Government of Indonesia
- Government of Malaysia

C *Actions*

Temporary work permits were provided to 30,000 Acehnesse refugees, thereby “legalizing” their status in Malaysia. The permit grants them:

- The right to enter and remain on the territory for a period of two years;
- The right to work and have access to healthcare facilities, as all legal migrants on the territory; and
- Access to primary education on a discretionary basis.

The IMM-13 cards were first issued for a period of two years and later renewed for another year. The decision to grant the IMM-13 was based on humanitarian grounds.

D *Review*

The IMM-13 visit pass legalized the stay for certain groups of refugees who were not willing or able to repatriate.

Malaysia, which faced shortages in the labour market, also benefited from the continued presence of these refugees who joined the labour force.

The exercise was largely successful, but should be seen as regularizing a work-migration arrangement and not regularization of refugees. Because of the poor quality of IMM-13 cards, they were sometimes dismissed as fakes and their holders detained until their status was clarified.

E *Further Information*

Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, August 2005 – Annex 5

UNHCR Support Available

To enlarge the protection space available in the country UNHCR may additional to efforts to fully implement the 1951 Convention assist partners by:

- Targeting proposals in accordance to the specific needs of the country of asylum and the profile of the refugee group, such as advocating for the provision of work permits where there are labour shortages in the country of asylum, advocating for cultural or family-oriented migration avenues, and lobbying for group amnesties;
- Enhancing cooperation with regional and national agencies engaged in labour issues, including employer and professional groups, to explore labour-migration options for refugees;
- Continuing to raise awareness about the specific protection needs and rights of refugees.

List of Annexes and Selected References

Annexes

- Annex 1:** Inter Agency Standing Committee Protection Cluster Working Group: Good Practices in Protection, Information sheet.
- Annex 2:** Sample Tripartite Voluntary Repatriation Agreement between the Country of Asylum, the Country of Origin and UNHCR.
- Annex 3:** Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America Mexico City, 16 November 2004.
- Annex 4:** Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria between the Government of the Republic of Liberia, the Government of the Republic of Sierra Leone, the Government of the Republic of Nigeria, the Economic Community of West African States (ECOWAS) and the Office of the United Nations High Commissioner of Refugees (UNHCR), June 2007.
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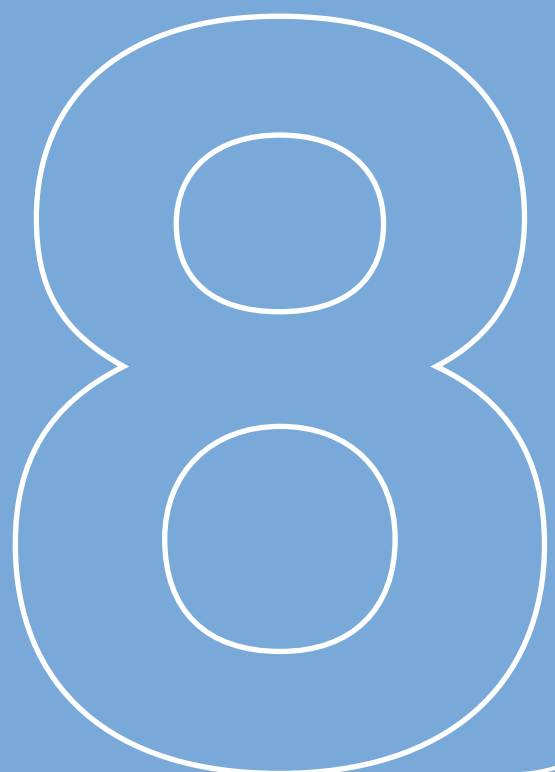
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Addressing secondary movements



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Practical examples

- Survey on Secondary Movements, Swiss Forum for Migration and Population Studies
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Practical examples

- Cross-border cooperation among humanitarian actors, Central European countries
- Eritrean refugees returned from Egypt to Ethiopia, readmission monitoring and information campaigns
- Establishment of an independent observatory mechanism to monitor readmission to the Ukraine and Moldova
- Monitoring the implementation of the Safe Third Country Agreement between the USA and Canada (see Chapter III)

Migration trajectories, whether movement is voluntary or forced, regular or irregular, may involve several countries through which people merely transit, or in which they stay and/or settle for shorter or longer periods of time. A variety of factors determines people's migration routes, including the time of and reasons for departure, personal and material resources, historical relations to specific countries, trans-national social networks, structural and contextual features in the host country, rumors and chance. These factors may change during the journey. To the extent possible, the individual will consider all factors known to him/her and make a decision based on his/her assessment of perceived risks, costs, and benefits, regarding the best migration option in the circumstances.

Refugees and asylum-seekers are no exception. Many settle in the first country in which they arrive. Others are compelled or choose to transit through several countries before being able to access protection. But even refugees and asylum-seekers who have found protection may move on. Such "secondary movements" of asylum-seekers and refugees, if taking place without the requisite authorizing documentation, can be of concern, both to States and to UNHCR.

Secondary movements generally reflect the inadequacy of available protection for asylum-seekers and refugees, including the absence of prospects for a timely durable solution. Strengthening the protection capacities in first countries of asylum is therefore often the best way to eliminate the reasons for the secondary movement of refugees and asylum-seekers. Secondary movements may also create additional protection problems. If both continued stay in the country of destination and re-entry to the first country of asylum are denied, so-called "orbit" situations can be created. Irregular onward travel is often dangerous.

As with any irregular movements, secondary movements can raise the specter of transnational criminal and terrorist networks. States have expressed concern that secondary movements of refugees feed the human smuggling and trafficking industries, and make it much more difficult to manage their asylum systems. These movements have led States to adopt mechanisms such as increased border controls, prolonged detention, deportation and *refoulement*. In some countries, the asylum applications of secondary movers are rejected regardless of their protection needs and of whether they can return and find protection in the first asylum country. These decisions are based on the assumption that protection had already been found elsewhere.

Secondary movements have also created tensions between the country/countries of first asylum and the destination country/countries of secondary movement. Diverging interests of "transit" and "destination" countries have made it difficult to elaborate a fair agreement on international responsibility-sharing.

On the regional level, however, some countries have started working to harmonize standards and responsibility-sharing arrangements to reduce secondary movements. These systems still have shortcomings, but they are a step in the right direction. UNHCR is also working on more harmonized protection standards in its operations.

1

Assessing the scope and root causes of secondary movements

The importance of data collection and analysis on mixed migration was discussed in Chapter II. Several recent surveys highlight the added value of gathering specific information on onward and secondary movements in order to develop an understanding of the scope and root causes of such movements. This information provides a solid basis on which appropriate policy responses can be developed.

SURVEY ON SECONDARY MOVEMENTS, SWISS FORUM FOR MIGRATION AND POPULATION STUDIES, 2004-2005

A *Background and Rationale*

Within the framework of UNHCR's Convention Plus Initiative¹, a survey was carried out by the Swiss Forum for Migration and Population Studies (SFM) on the migration paths of Somali asylum-seekers and refugees and their motivations for moving onwards.

Interviews were conducted with a sample set of Somali refugees and asylum-seekers in Djibouti, Egypt, Ethiopia, Kenya, the Netherlands, Switzerland, South Africa and Yemen. Extensive fieldwork was carried out in every country with a total sample of 814 refugee respondents and approximately 100 experts and community leaders.

B *Actors*

- Government of South Africa
- Government of Switzerland
- Somali asylum-seekers and refugees
- Swiss Forum for Migration and Population Studies
- UNHCR

C *Actions*

- Eight country studies were conducted between September 2004 and July 2005;
- Each of them took an average of four months and focused on three major issues: refugee protection regimes, including law, policy and practice; the motivations and movement strategies of Somali refugees and asylum-seekers; and available statistical data to describe the migration movements;
- In each country, interviews were carried out with community leaders, “privileged observers” and other experts, including representatives of the Government, UNHCR, NGOs, lawyers and researchers;
- The questionnaires were adapted to each context and each interviewee.

The aim was to gain insight into current practice of refugee reception conditions and asylum procedures, and have a better understanding of the host countries' general attitude towards Somali refugees.

¹ The Convention Plus was an international effort initiated and coordinated by UNHCR that aimed to improve protection of refugees, including finding durable solutions for them, through multilateral cooperation.

D Review

The survey is the most comprehensive regional study on secondary movements and provides a comprehensive overview of the motivations for onward movements. The survey found that most refugees and asylum-seekers were motivated by the search for legal and socio-economic security.

E Further information

Joelle Moret, Simone Baglioni, Denise Efonayi-Mâde, *The Path of Somali Refugees into Exile*, 2006 – Annex 1

Also available at: <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4455cc6f2&query=the%20path%20of%20somali%20refugees%20into%20exile>.

SURVEY ON SECONDARY MOVEMENTS UNHCR MAURITANIA, 2006 - 2007

A Background and Rationale

In 2006-2007, UNHCR Mauritania undertook a survey to better understand the scope of and reasons for secondary movements in West Africa. A sample set of foreign nationals from countries representing the mixed migration movements into Mauritania were interviewed using a questionnaire that was specifically designed. The interviews took place between November 2006 and January 2007.

B Actors

- Migrants and refugees from 19 African countries
- UNHCR Mauritania

C Actions

A sample set of individuals were interviewed at the following locations:

- A UNHCR-sponsored centre for the protection of vulnerable refugee women in Nouakchott;
- The premises of two NGOs partners in Nouakchott and Nouadhibou during the course of UNHCR's refugee status determination procedures;
- The residences/houses of refugees recognized by UNHCR under its mandate;
- The streets of the 5th and 6th neighborhoods of Nouakchott, the main transit and/or holding location for many irregular migrants who have arrived in the city since the construction of the Dakar-Nouakchott-Nouadhibou road, facilitating transit from West Africa to the Maghreb via Mauritania;
- The work places of irregular migrants.

The objective of the questionnaire was twofold: to clarify the reasons for secondary movements and how they function in the context of mixed migration flows in West Africa.

The results demonstrate that the choice of destination State is mostly *ad hoc*. It is influenced by variables such as the difficulty of moving onwards and the reception conditions in a particular country. Also, an individual may reflect many different profiles and categories of migrants over time, depending on changing circumstances, opportunities and difficulties.

D *Review*

The questionnaire was successful in gathering sensitive information on the motivations for secondary movement. It did not specifically enquire whether or not asylum-seekers and refugees moved onwards for protection-related reasons, but established that the principal reason for leaving first countries of asylum was mostly due to war, civil conflict or violence.

E *Further information*

UNHCR Mauritania, Rapport provisoire sur les mouvements secondaires des flux migratoires mixtes arrivant en Mauritanie, March 2007 – Annex 2

Munteanu, A., “Secondary movement in Romania: The asylum-migration nexus”, *New Issues in Refugee Research*, Research Paper No. 148 (December 2007). This study uses similar interview-based methodology to determine the motivations of secondary movement. On the basis of the 10-Point Plan of Action and in view of the need for research on secondary movements in the context of the enlargement of the European Union, the study was conducted by an independent researcher on the extent to which secondary movement of asylum-seekers and refugees may be occurring to and from Romania, and the factors that may be influencing this movement.

See Annex 3.

The study is available at hcr.org/cgi-bin/texis/vtx/search?page=search&docid=4766521e2&query=study%20secondary%20movements%20romania.

2

Strengthening protection capacities in countries of first asylum and informing people about the risks of irregular onward movements

Governments, specifically those targeted by secondary movements, have been supporting States with insufficient protection capacities directly and by funding projects implemented by UNHCR and other humanitarian actors.

UNHCR’s mandate is to assist States and the international community at large in providing protection and access to durable solutions wherever needed, an objective that UNHCR shares with many partners. In the context of the Convention Plus initiative, the Office has developed a new tool to improve the efficiency of this engagement, the Strengthening Protection Capacity Project (see below). For practical examples of providing durable solutions, see Chapter VII.

UNHCR STRENGTHENING PROTECTION CAPACITY PROJECT (SPCP)

A *Background and Rationale*

The SPCP is a methodology UNHCR developed in 2005 to assist governments in identifying and addressing protection problems through a process of protection assessment, dialogue and joint planning.

B *Actors*

- Danish Refugee Council (DRC)
- Donors
- European Commission
- Governmental and non-governmental stakeholders in each of the 12 countries in which the SPCP was initiated: Armenia, Azerbaijan, Benin, Burkina Faso, Ecuador, Egypt, Georgia, Kenya, Tanzania, Thailand, Yemen and Zambia
- ILO
- UNHCR

C *Actions*

In each of the countries in which the SPCP is applied, actions include:

- A comprehensive analysis of gaps in protection and the consequences of needs that remain unmet, using a specifically designed tool for analysis;
- National consultations with governments, international and national partners, and persons of concern to discuss the gaps identified and to recommend measures to remedy them;
- Collaborative development of a multi-year plan of action with specific projects to improve legal and administrative capacity, enhance security, ensure that basic needs are met and that there is access to essential services, expand livelihood opportunities, and facilitate solutions for the coming years;
- Resource mobilization.

D *Review*

The SPCP has contributed to improvements in the protection of asylum-seekers and refugees in 12 countries. Its key features will be mainstreamed into UNHCR's Global Needs Assessment, an initiative that aims to map the total needs of refugees and persons of concern and to determine with partners the interventions and budgets needed to address those needs.

The SPCP project requires sufficient financial, technical and operational support. Effective coordination and engagement of all actors, including States, international and national partners, and donors, are key for developing and implementing the project.

E *Further information*

Further information about the SPCP as methodology and the content and result of its country projects is available at <http://www.unhcr.org/pages/4a27cdf6.html>.

POPULATION STABILIZATION PROJECT UNHCR INDONESIA, 2007

A *Background and Rationale*

In 2006, an increasing number of asylum-seekers and refugees recognized by UNHCR moved on from Indonesia to Australia where they lodged an asylum request. One of the reasons for these onward movements was UNHCR's lack of capacity to examine all asylum applications and provide asylum-seekers with adequate protection in Indonesia, since the number of arrivals increased six-fold between 2004 and 2006.

Through collaboration between UNHCR Indonesia and the Government of Australia, a project was launched to enhance the Office's capacity to examine asylum applications.

B *Actors*

- Government of Australia
- UNHCR Indonesia

C *Actions*

- Improving the procedure for registering asylum-seekers in various parts of Indonesia;
- Enhancing refugee status determination (RSD) procedures;
- Reducing the RSD backlog;
- Reducing the processing times for resettlement;
- Improving the protection enjoyed in Indonesia, including by realizing the right to work and to education.

D *Review*

The waiting period for registration was reduced due to the increase of the registration processing capacity. The RSD procedures were improved both in terms of quality and quantity. The option of resettlement was explored for long stayers.

The number of new arrivals to Indonesia, including secondary movers from Malaysia, kept increasing in 2007 due to some “push” factors in countries of origin.

3

Developing regional and/or bilateral protection approaches

The most efficient way to address secondary movements is through inter-State cooperation. Assisting countries of first asylum to establish meaningful protection capacities is one important aspect of that cooperation. However, developments in some regions, such as western and central Europe, show that enhanced cooperation, especially among countries with similar protection standards, can help to reduce secondary movements. Harmonized protection standards, in accordance with international law, a clear and fair distribution of responsibilities for examining asylum requests and granting asylum, and readmission and return of secondary movers to the first country of asylum can all form part of a comprehensive regional protection approach.

THE COMMON EUROPEAN ASYLUM SYSTEM AND THE DUBLIN II REGULATION EUROPE, 2003

A *Background and Rationale*

The European Union (EU) currently comprises 27 Member States. In view of the flow of persons seeking international protection and the abolition of most internal borders between EU Member States, the EU is striving to develop and implement a Common European Asylum System (CEAS). This involves harmonizing asylum laws and policies and agreeing on allocation of responsibilities for examining asylum requests.

B Actors

- EU Member States
- Norway, Iceland and Switzerland (for the Dublin II system)

C Actions

- Minimum standards have been adopted on temporary protection in situations of mass influx, reception conditions for asylum-seekers, asylum procedures, criteria for granting refugee status and subsidiary protection, and on the treatment of persons who have been granted protection;
- All EU Member States had to ensure that their national laws conformed to the EU minimum standards;
- A specific fund was created to support good practice in the field of refugee protection in EU Member States and to implement the agreed standards;
- Among the asylum instruments adopted is the **Dublin II Regulation**². It determines which State is responsible for examining an asylum request. The Dublin II Regulation includes the following safeguards:
 - **Obligation to examine:** The State identified as responsible *shall examine* the asylum application (Article 3(1)).
 - **Sovereignty clause:** The Regulation allows participating States to assume responsibility for an application lodged on their territory, regardless of the criteria set out in Article 3(2). This discretionary provision can be used to avoid transfers that would be against the interests of the asylum applicant.
 - **Humanitarian clause:** The Regulation also allows Member States to assume responsibility, on humanitarian grounds, for an asylum application lodged outside their territory, regardless of the criteria set out in Article 20.
 - **Family Unity:** The Regulation contains several provisions to ensure family unity (Articles 6-8).
 - **Procedures:** The Regulation establishes detailed procedures and timelines for determining responsibility and transferring asylum-seekers to the responsible State, and sets out penalties for not meeting the deadlines (Articles 16-20).

D Review

The instruments of the Common European Asylum System have advanced international refugee law in some important ways, and have helped to improve protection standards in various EU Member States and to eliminate the incentives for secondary movements. Protection practices nevertheless still differ significantly. The EU is working to reduce these discrepancies through practical cooperation among Member States and by clarifying and improving legislative norms.

This is particularly important because the Dublin Regulation is based on the premise that asylum applicants have the same prospects of finding protection in all participating States.

E Further information

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national – Annex 4

² Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. Available at: <http://www.unhcr.org/refworld/docid/3e5cf1c24.html>.

UNHCR, The Dublin II Regulation, a UNHCR discussion paper, April 2006 – Annex 5

Information on the CEAS is available at:

<http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4a0d6a6710&query=Dublin%20II%20discussion%20paper>.

UNHCR's Comments on EU law and policy are available at:

<http://www.unhcr.org/pages/4a0d667c6.html>.

The Sangatte operation. See Chapter V.

4

Supporting and monitoring readmission of secondary movers to their first country of asylum

Return and readmission of asylum-seekers to the first country of asylum can raise a number of protection concerns, especially if the readmission agreements concluded between destination countries and countries of first asylum do not contain adequate protection safeguards. Readmission and return of asylum-seekers to “safe third countries” can be particularly problematic if the asylum systems of these countries are not yet fully functioning. Cross-border monitoring and cooperation can help to identify such concerns, assist States in addressing them, and ensure that asylum-seekers are properly referred to asylum systems and granted protection.

CROSS-BORDER COOPERATION AND MONITORING AMONG HUMANITARIAN ACTORS OF SEVERAL CENTRAL EUROPEAN COUNTRIES, 2005

A *Background and Rationale*

In 2005, NGOs were supported by ECRE and UNHCR to develop a mechanism for monitoring readmission practices along the border of Ukraine and its neighbouring EU Member States.

Cross-border meetings were held and a monitoring form was prepared and used. NGOs were concerned that asylum-seekers had not been given access to the territory and/or the asylum procedure in those neighbouring countries. They hoped that identifying individuals who had attempted to seek asylum before being returned to Ukraine would assist UNHCR, ECRE and NGOs in advocating with the authorities.

In view of the planned implementation of the EU-Ukraine readmission agreement, and the continuing existence of bilateral readmission agreements, UNHCR, ECRE and NGOs met again in 2008 to discuss the protection challenges arising in the context of return and readmission of third-country nationals to States bordering the EU, and how they could be better addressed through enhanced cross-border cooperation.

B *Actors*

- ECRE
- NGO partners in Belarus, Hungary, Moldova, Poland, Romania, Slovakia and Ukraine
- UNHCR

C *Actions*

- Enhanced cross-border networking to improve monitoring of readmission and return, to ensure access to protection in individual cases and to acquire general information about the return and readmission process;
- Adoption of an information-sharing protocol. The Protocol provides guidance on type/format/modalities of information-sharing related to border monitoring;
- Agreement on revision and improved use of a “readmission interview form” for collecting and exchanging information and intervening in individual cases.

D *Review*

This project helped to raise awareness among NGO partners about the protection situation on both sides of the border. It also facilitated exchange of information through formalized procedures and improved protection intervention strategies in individual cases. Both sides have now more information to use in their work with the border authorities and developments and trends on readmission are easier to monitor and report.

E *Further information*

Information-sharing protocol – Annex 6

Readmission interview form – Annex 7

ERITREAN REFUGEES RETURNED FROM EGYPT TO ETHIOPIA, READMISSION MONITORING AND INFORMATION CAMPAIGNS, 2008

A *Background and Rationale*

Some Eritreans recognized as refugees in Ethiopia move on towards Sudan and/or Yemen, using the same routes as migrants who are heading to the Middle East and to Europe, looking for a better life.

Between October 2008 and March 2009, the Egyptian authorities, in agreement with the Ethiopian Government, returned 380, mostly Eritrean, refugees to Ethiopia.

B *Actors*

- Government of Ethiopia (ARRA)
- IOM
- UNHCR

C *Actions*

UNHCR monitored the readmission and reintegration process of the returnees in Ethiopia thanks to information provided by the Government of Ethiopia (ARRA). UNHCR had full access to the returnees, monitored their conditions and (re)instated assistance and protection in a refugee camp in the Northern part of the country for those who had opted for it.

In 2009, UNHCR is planning to capitalize on the experience of the returnees (who often paid smugglers large amounts of money to end up being detained in transit countries before being returned back to their first country of asylum) to reinforce information

campaigns on the dangers of secondary movements. UNHCR, in cooperation with the Government of Ethiopia (ARRA) and IOM, is planning to raise funds for a project that would focus on the following activities:

- Strengthen sensitization and awareness-raising campaigns (radio programs, community conversations) to curb secondary movements of Eritrean refugees living in refugee camps in Ethiopia through increased involvement of returnees willing to share their experiences;
- Provide psycho-social support for returnees who have survived multiple traumas and abuses.

UNHCR, IOM and ARRA will make sure that refugees are not at risk when serving as witnesses on air or in the camps.

D *Review*

None of the returnees have reported any problems with the Ethiopian authorities. UNHCR maintains regular contacts with the Ethiopian Government which provides the Office with regular information on new arrivals of returnees. UNHCR has also been able to monitor the readmission process without any difficulty.

Establishment of an independent observatory mechanism to monitor readmission to Ukraine and Moldova. IOM started a two-year project in April 2009 to support and monitor the readmission process in Moldova and Ukraine. The project also aims to ensure that the principle of *non-refoulement* is respected in the readmission process, and that asylum-seekers are identified and receive some initial legal advice/counselling. The project also involves establishing an independent observatory mechanism (a joint IOM-UNHCR-NGO-EU monitoring team). The project will cover some border-guard facilities along the border of western Ukraine, the airport in Kiev, two migrant detention centres in Ukraine, and one in Moldova.

Monitoring the implementation of the Safe Third Country Agreement between the USA and Canada. See Chapter III

UNHCR Support Available

UNHCR is regarding its own operations:

- Identifying and eliminating disparities in the levels of assistance and protection services the Office provides in different countries, particularly with regard to similar caseloads. UNHCR aims to achieve:
 - More consistency in waiting periods to access registration and refugee status determination;
 - Harmonized recognition rates for similar groups of asylum-seekers;
 - Equal access to similar durable solutions for refugees in the same or in comparable situations in different countries of first asylum.

UNHCR may also assist in:

- Helping first countries of asylum to increase their protection capacities;
- Drawing attention to discrepancies in asylum practices;
- Supporting governments in establishing regional protection approaches in line with international standards;
- Facilitating the return to countries of first asylum;
- Monitoring or initiating monitoring of readmission and return to countries of first asylum.

List of Annexes and Selected References

Annexes

- Annex 1:** Joelle Moret, Simone Baglioni, Denise Efionayi-Mâde, *The Path of Somali Refugees into Exile*, 2006.
- Annex 2:** UNHCR Mauritania, Rapport provisoire sur les mouvements secondaires des flux migratoires mixtes arrivant en Mauritanie, March 2007.
- Annex 3:** Munteanu, A., “Secondary movement in Romania: The asylum-migration nexus”, *New Issues in Refugee Research*, Research Paper No. 148, December 2007.
- Annex 4:** Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.
- Annex 5:** UNHCR, The Dublin II Regulation, a UNHCR discussion paper, April 2006.
- Annex 6:** UNHCR, Information-sharing protocol, 9 October 2008.
- Annex 7:** Readmission Interview form.

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UNHCR, Summary Conclusions on the Concept of “Effective Protection” in the Context of Secondary Movements of Refugees and Asylum-seekers (Lisbon Expert Roundtable, 9-10 December 2002), February 2003.

UNHCR, Secondary Refugee Movements and the Return of Asylum Seekers to Third Countries: The Meaning of Effective Protection, February 2003, PPLAS/2003/01.

UNHCR, Convention Plus Core Group on Addressing Irregular Secondary Movements of Refugees and Asylum-seekers: Joint Statement by the Co-chairs, 8 November 2005, FORUM/2005/7.



Return arrangements for non-refugees and alternative migration options



Contents

1 Return

1.1 Respecting the principle of *non-refoulement* in the return process and ensuring return in safety and with dignity

Practical examples

- Pre-Removal Risk Assessment (PRRA), Canada
- Protecting refugees against deportation, Algeria
- Training of National Police for Return Operations in Denmark and EU Member States

1.2 Promoting and assisting voluntary and sustainable return

Practical examples

- Motivational Counseling Sessions, Sweden
- Country of Return Information (CRI) Project
- IOM's Assisted Voluntary Return Programmes
- UNHCR/IOPCR: Assisting voluntary return from Libya
- Towards integrated return management: case-chain management, Germany, Netherlands, Sweden

1.3 Return of people with specific needs

Practical examples

- Regional Guidelines for the repatriation of child victims of trafficking, Central America (see Chapter VI)
- National Protocol on the repatriation of child and adolescent victims of human trafficking, Costa Rica (see Chapter VI)

1.4 Cooperation between host country and country of origin

Practical examples

- IOM Cluster Initiative among countries in western Europe and South Caucasus
- Agreement between Switzerland and Sri Lanka on the return of unsuccessful asylum-seekers

1.5 Post-return monitoring

Practical example

- Kosovo Airport Monitoring of Forced Returns

2 Migration (including regularization) options as alternatives to return

Practical examples

- Temporary Regularization Programme, Thailand
- Hardship Commissions, Germany
- Regularization programmes in Europe (reference to reports)
- ECOWAS Free Movement Protocols (see Chapter VII)

A functioning migration management system provides solutions for “non-refugees”. This group includes persons found not to be in need of international protection and without compelling humanitarian reasons to stay (“unsuccessful asylum-seekers”) as well as persons who never sought asylum. Amongst other things, effective return policies and practices for non-refugees are essential for maintaining credible asylum systems. Demonstrating that unauthorized entry is not a back-door to regular migration can deter irregular migration, and reduce incentives for smuggling and trafficking.

The 10-Point Plan suggests two options for non-refugees: return to the country of origin; or access to alternative legal migration options, that is, regularization or legal onward migration to another country. As the latter option will generally only be available for people with a specific profile or in specific circumstances, this Chapter focuses on return. However, it also provides some practical examples of alternative migration options.

Sustainability of return is best guaranteed if people who have no right to stay return voluntarily. Voluntary return ensures that the return takes place in a safe and dignified manner; and it is also cost effective for the returning State. Several countries have developed good practices to encourage and support voluntary and sustainable return; while others have established initiatives to ensure that the specific needs of vulnerable groups, such as separated minors, are addressed during the return process.

The International Organization of Migration (IOM) is a particularly important actor with regard to the voluntary return of non-refugees. IOM has assisted many governments in establishing specific return programmes and has helped a large number of non-refugees to return home.

While separate considerations are necessary when repatriating refugees (see Chapter VII) or returning refugees and asylum-seekers to a first country of asylum (see Chapter VIII), some general aspects of return management apply to all return movements. The proposals made in this Chapter may therefore also be relevant for these issues.

1

Return

1.1 *Respecting the principle of non-refoulement in the return process and ensuring return in safety and with dignity*

People must not be forced to return to situations where their human rights are at risk. It is principally the asylum procedure that ensures that the return process complies with the principle of *non-refoulement*. However, some individuals in the return procedure may not have been channelled through an asylum procedure. Even if they have, new risks may have arisen, *sur place*, in the meantime. It is important that these new risks are assessed, either through referral to the asylum procedure or a separate procedure, as in the first example below. Concerns that some returnees might abuse such a process can be addressed through establishing proper mechanisms within the asylum procedure (see Chapter VI).

Returnees' rights and human dignity may also be at risk during the return process, particularly in the event of forced returns. Specific guidelines and training for law enforcement officials can provide the responsible officials with the necessary framework and appropriate tools to handle challenging situations in a way that respects the rights and dignity of the returnees.

PRE-REMOVAL RISK ASSESSMENT (PRRA) CANADA, 2001

A *Background and Rationale*

In Canada, persons subject to a removal order may apply for a pre-removal risk assessment. A removal order may be issued following a negative refugee decision, but also following the discovery of an undocumented migrant or the stripping of permanent residence.

B *Actor*

Citizenship and Immigration Canada (CIC)

C *Actions*

- All persons subject to a removal order, including unsuccessful asylum-seekers who fear persecution upon return, may apply to the CIC for a PRRA;
- The risks that will be assessed during the PRRA are: the risk of persecution as defined in the 1951 Convention, the risk of torture and the risk to life or the risk to be subjected to cruel and unusual treatment or punishment. Rejected asylum-seekers who apply for a PRRA may only present new evidence that has arisen since their refugee hearing to support their claim for asylum;
- First-time PRRA applicants are not removed before a risk assessment is completed. Repeat PRRA applicants may be removed prior to a determination but are entitled to a visa to return to Canada if the application is awarded a positive determination;
- If the CIC considers that the applicant is at risk, he/she is entitled to “protected person” status and, in most circumstances, may eventually apply for permanent residence. Where an individual is excludable under Article 1(F) of the Refugee Convention, or for reasons of security or serious criminality, a positive decision results in a stay of removal;
- If the immigration officer does not find the individual to be at risk, he/she is subject to removal. In such instances the individual can apply to the Federal Court for judicial review.

D *Review*

The PRRA, which is assessed by a different government entity than the one responsible for the return process, is an important procedural safeguard in the return procedure that ensures that the return process does not result in serious human rights violations. The acceptance rate is, however, very low (below 5%). Furthermore, the PRRA has been used as an argument against the need to establish proper appeal procedures.

E *Further information*

More information on the PRRA is available at: www.cic.gc.ca.

Note: Similar risk assessments are undertaken on a case-by-case basis, in a less formal manner, in many European countries.

PROTECTION OF REFUGEES AGAINST DEPORTATION AND *REFOULEMENT*, ALGERIA, 2008

A *Background and Rationale*

The Government of Algeria has not yet established a fully functioning asylum procedure; UNHCR undertakes refugee status determination under its mandate. However, UNHCR's refugee certificates are often disregarded by police; and their holders are considered as illegal migrants and subject to arrest and deportation. UNHCR has developed a project to protect detained refugees from deportation and *refoulement*.

B *Actors*

- Private lawyers
- UNHCR

C *Actions*

The project has three strands:

- Establishing a hotline (24 hours a day, seven days a week) through which protection staff can be contacted in case of arrest, imminent deportation and other urgent protection matters. The hotline number is communicated to all persons of concern upon registration interview with UNHCR. Brochures, including information about the hotline, have also been disseminated widely among people of concern;
- Recruiting and training lawyers who intervene with judges on the behalf of UNHCR to stop deportation. To date, the office has signed agreements with three lawyers in the capital and in the eastern part of Algeria;
- Contacting judges (lawyer's interventions) and police officers (UNHCR's direct intervention) in order to inform them about the status of persons who are placed under UNHCR's mandate, and to explain the core principles of international protection.

D *Review*

An increasing number of persons of concern, detained by police or awaiting courts' decisions, are released following interventions by UNHCR and its lawyers. Police officers and judges contact directly UNHCR more and more often to confirm the identity and status of persons of concern.

Those activities have helped UNHCR to become aware of most, if not all, arrests and detention. Accordingly, the Office has been able to react in a timely manner and follow-up with the authorities.

This project includes elements of capacity-building and promotion of refugee law. The Office has reached out to a large number of police officers and judges and raised their awareness about refugee and asylum law, and about Algeria's international obligations in that regard.

This project has also strengthened the protection of people of concern in Algeria, as instances of detention and deportation on the ground of illegal migration are decreasing.

The lack of human resources in the UNHCR office in Algiers and the lack of funding to develop a lawyers' network throughout Algeria are key challenges. Arrests take place regularly in various parts of the country; some situations require field missions, while the security situation in some areas prohibits free movement of staff.

TRAINING OF NATIONAL POLICE FOR RETURN OPERATIONS IN DENMARK AND EU MEMBER STATES 2008 - 2009

A *Background and Rationale*

The Danish Refugee Council, together with government and NGO partners, has developed a training project that seeks to improve understanding among European authorities about best practices in return operations; international guidelines and standards; communication and trust between authorities and returnees; and coordination between authorities in host countries and actors in countries of return. The project also aims to develop procedures and standards that are both efficient and inclusive of national and international rights.

B *Actors*

- Danish National Police
- Danish Refugee Council (DRC)
- Dutch Council for Refugees
- ECRE
- FRONTEX
- UNHCR

C *Actions*

Development of training curriculum and training of Danish authorities:

- Officers will be trained in a curriculum that includes international and national returnee rights, best practices and standards for the practical implementation of return operations, returnee conditions and special needs;
- The curriculum will be developed in cooperation with the DRC, Danish National Police, European partners, stakeholders in the countries of return and returnees;
- A "training-of-trainers" (ToT) on return issues will be conducted for two experts;
- The ToT will be followed by a re-evaluation session six months later.

Development of training materials and dissemination in EU Member States:

- Based on the curriculum and hands-on experience from training, an international set of training materials will be developed;
- The training materials and a report on best practices in preparing and implementing return operations will be distributed to all Member State authorities involved in return operations and to selected civil society organizations;
- A seminar will be convened with presentations of the project concept and findings for NGOs from all EU Member States at the ECRE biannual general meeting.

D *Review*

The project addresses the need to develop the capacity of authorities preparing and implementing return operations. The project generally seeks to improve return practices and create better conditions for sustainable returns. The project is still being implemented and has not yet been evaluated.

E *Further information* is available on the DRC's website, www.drc.dk.

1.2 Promoting and assisting voluntary and sustainable return

Voluntary return can be promoted and supported in many ways, including:

Establishing a referral system to entities and actors assisting with voluntary return. This requires that government and non-governmental actors working in other parts of the migration system, such as the asylum system, are aware of and have information about support available on voluntary return. It also requires that specific entities and agencies are available so that potential returnees can be referred to them.

In Belarus, a case-referral system has been developed between NGOs dealing with asylum issues and IOM for processing persons wishing to return under the IOM Assisted Voluntary Return Project.

Counseling, to ensure that people are properly informed about their options, the situation in the country of origin, and available support that will enable them to make an informed choice. Such counseling could be offered at different stages: upon arrival, during the asylum or other procedures, and after a return order has been issued.

SWEDISH MIGRATION SYSTEM – MOTIVATIONAL COUNSELING SESSIONS

A *Background and Rationale*

The Swedish Migration Board is responsible for taking decisions on migration, asylum, repatriation and citizenship issues. For asylum cases, the Board assigns a caseworker to each asylum-seeker to make referrals for medical care, counseling and other services once the application has been lodged. The objective of the “motivational counseling”

sessions provided by caseworkers is to prepare asylum-seekers for all possible outcomes of their asylum claim, particularly the eventuality of return. The counseling sessions also allow caseworkers to identify those persons who may be likely to abscond in the event that their claim is rejected and are thus able to take appropriate action to prevent them from doing so.

B *Actors*

- Asylum-seekers
- NGOs
- Swedish Migration Board

C *Actions*

The motivational counseling sessions provide asylum-seekers with information on three possible options available to them if their claim for asylum is rejected:

- They may choose to return on their own to their country of origin and take responsibility for making all the necessary arrangements. For a certain number of countries, the Board will provide them with funds for the cost of travel and reintegration assistance.
- They can be handed over to the police and held in custody. This may occur in the following circumstances:
 - Where the individual has already absconded, committed a criminal act or other circumstances in which the Board decides that coercive measures may need to be employed; and
 - Where rejected asylum-seekers are assessed by caseworkers to be at risk of absconding.

D *Review*

The motivational counseling sessions have increased the number of rejected asylum-seekers choosing to return to their country of origin partly because they are aware of the options available to them and partly because assisted voluntary returns are perceived as a more dignified way of returning than forced return.

E *Further information*

Further information on the Swedish Migration Board and motivational counseling sessions is available on the Board's public website at: <http://www.migrationsverket.se/english.html>.

Country-of-origin information: up to date information on the conditions within the country of origin helps the individual to prepare for return and plan reintegration. While this information can assist in identifying whether and which groups could be threatened with persecution or human rights violations upon return, it can also include information on the socio-economic conditions in the country.

COUNTRY OF RETURN INFORMATION (CRI) PROJECT 2008

A *Background and Rationale*

The European project on Country of Return Information (CRI) brings together a network of NGOs that collects and transfers information on reintegration possibilities for persons to be returned to their countries of origin.

B Actors

The following are the NGOs involved in gathering information:

- Asociación Comisión Católica Española de Migración (ACCEM), Spain
- Caritas International, Belgium
- Consiglio Italiano per i Rifugiati, Italy
- Coordination et Initiatives pour les Réfugiés et Etrangers (CIRE), Belgium
- Dansk Flygtningehjaelp (DRC), Denmark
- Vluchtelingenwerk Vlaanderen, Belgium

C Actions

The project makes information accessible through country reports, country fact sheets and presentations, and also provides a unique helpdesk service for persons wishing to make specific queries.

The project provides information on the following issues:

- **Territorial access:** Does the individual have access to the country of origin?
- **Personal safety:** Does the individual have safe access to his/her region and will the individual be protected from risk to his/her physical safety?
- **Reintegration opportunities with regard to accommodation, employment, social security, health care, education:** Will the individual be able to find durable accommodation corresponding to local standards and be able to ensure his/her and his/her family's livelihood and a standard of living corresponding to local standards?

D Review

The project is innovative in providing detailed information on the country of origin with a focus on reintegration possibilities and local safety risks.

The information provided is drawn from a wide variety of sources, ranging from general to applied research (academic articles to empirical studies), and from a variety of actors (national and sub-national in sending and receiving States).

E Further information

available at <http://www.cri-project.eu/>.

The “**Return Information Fund**” of IOM Bern provides actors involved in processing returns from Switzerland with information on socio-economic matters in selected countries of origin. Further information is available (in German) at: <http://www.ch.iom.int/programme/rif.html>.

Participation of returnees in planning the return process can build an individual's confidence in the prospect of return and can increase their willingness to return voluntarily. It can also help to identify needs that require specific return assistance.

Reintegration assistance, matched with the migrant's profile and country specific, contributes to the sustainability of return. Reintegration assistance can include cash grants, vocational training, and loans for business development. But more successful than lump-sum payments in the host country are vocational training programmes and grants for business/micro-enterprise development in the country of return. Good results have been achieved where assistance is offered to both the individual and the community to which he/she is returning. Lump-sum payments have not always proved successful for reintegration.

IOM: Assisted Voluntary Return (AVR) programmes

Assisted Voluntary Return (AVR) aims at orderly, humane and cost-effective return and reintegration of migrants who are unable or unwilling to remain in host countries and wish to return voluntarily to their countries of origin. It responds to specific humanitarian needs of these migrants. IOM has been implementing AVR programmes for three decades together with national counterparts and a network of partners both in host and origin countries.

Pre-departure, transportation and post-arrival assistance is provided to unsuccessful asylum-seekers, migrants in an irregular situation, migrants stranded in transit, stranded students and other persons under similar circumstances. IOM return programmes are either available to all migrants in an irregular situation, or tailored to the particular needs of specific groups, including vulnerable migrants. The assistance typically provides information, referral, arrangement of travel to the home location and limited support towards reinsertion. AVR assistance may also include profiling of target groups, information and counselling to potential returnees, medical assistance, reception and longer-term reintegration assistance in countries of origin in order to facilitate sustainable returns. Most of IOM AVR programmes include an evaluation component.

Further information and an overview of the specific country projects is available at www.iom.int.

IRRICO Project (Information on Return and Reintegration in Countries of Origin)

Among AVR programmes, the IRRICO Project offers a multilateral approach on return information among IOM missions in countries of origin and their European counterparts in support of Assisted Voluntary Return and Reintegration programmes. The project aims to gather and consolidate information on countries of origin, which will help social workers and return counselors in providing migrants with reliable and up-to-date information on return and reintegration possibilities and socio-economic conditions, including housing, health, transport, and social security.

Further information on this project can be found at www.iom.int/irrico.

UNHCR/IOPCR ASSISTANCE IN THE VOLUNTARY RETURN OF NON-REFUGEES, LIBYA, 2007

A *Background and Rationale*

Many non-refugees without residence permits remain stranded in Libya and risk detention for illegal entry and stay. Lack or loss of valid travel documents often prevents those willing to travel home from doing so. The project aims to assist non-refugees in returning home and to support the Libyan authorities and other partners in carrying out voluntary returns in accordance with international human rights standards and principles.

B *Actors*

- International Organization for Peace, Care and Relief (IOPCR)
- UNHCR

C *Actions*

- UNHCR and IOPCR conduct profiling missions in various reception centres throughout Libya and identify people not in need of international protection who are willing to return to their country of origin;

- UNHCR establishes the voluntariness of the return and that none of the returnees has international protection needs;
- IOPCR assists in issuing travel documents and exit visas in a timely and accurate manner, organizes travel arrangements, and hands out return grants;
- UNHCR liaises with the Libyan authorities, embassies and relevant stakeholders in order to facilitate and accelerate the return process;
- In total, 500 persons have returned (200 in 2007 and 300 in 2008), most of them to south Sudan;
- Guidelines and standard operating procedures are being developed.

D *Review*

Finding solutions for these stranded migrants has encouraged the Libyan authorities to accept UNHCR's 10-Point Plan of Action. In addition, the authorities have granted UNHCR and its partner access to the detention centres, and allowed them to provide assistance and protection to detainees. The number of deportations was significantly reduced, and prolonged imprisonment for illegal entry and stay could be avoided for those who want to return voluntarily. The local authorities have agreed to release ten detainees per week while UNHCR processes their repatriation. Furthermore, the return of non-refugees has increased the willingness of local authorities to consider local integration of refugees.

TOWARDS AN INTEGRATED RETURN: CASE-CHAIN MANAGEMENT GERMANY, SWEDEN, THE NETHERLANDS, 2006

A *Background and Rationale*

The project aims to ensure the sustainability of returns of persons who, either voluntarily or by ordered return, must return to their home country. The partners cooperating in this project want to establish chains of institutions to assist in the returns. A training project ensures that case-chain managers have the necessary skills and expertise to assist returnees.

B *Actors*

Institutions in host countries (Germany, Sweden, the Netherlands):

- AGEF (Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und Entwicklungszusammenarbeit), Germany
- COA (Centraal Orgaan opvang asielzoekers), the Netherlands
- Coming Home (Municipality of Munich, Amt für Wohnen und Migration), Germany
- Goeteborg Initiativet, Sweden
- HIT Foundation, the Netherlands
- Partner institutions in selected countries of return (Afghanistan, Iraq, Kosovo)

C *Actions*

- Returned persons from Germany, Sweden and the Netherlands are channeled to specific return countries like Afghanistan, Iraq and Kosovo through an internet-based case-management system. In these countries, return services are provided by regional offices of AGEF and others;

- Returnees receive counseling regarding their options in the home country, including economic and social possibilities;
- Upon return to the home country they are provided with employment services, on-the-job training, and employment-promotion packages;
- After their business plans are approved, returnees are given financial support for a specific period of time;
- A training project ensures that counselors from participating organizations have the necessary expertise to develop integrated return plans.

D *Review*

Returnees receive assistance for their economic reintegration from specialized service providers. This assistance is especially useful for people returning to post-conflict situations where national capacities have not yet been established. The project aims to empower returnees and to enhance their personal and professional skills that, in turn, will help them to reintegrate and achieve a sustainable return.

The project focuses on the economic aspects of re-integration but it should also take into account the social and psychological aspects of the reintegration process, such as discrimination against returnees by receiving communities.

E *Further information* available at <http://www.ccm-training.net/>.

1.3 *Return of people with specific needs*

People with specific needs may require targeted assistance during return and re-integration. When return is in the best interests of an unaccompanied child, family reunification or placement in foster care in the country of origin should be arranged beforehand. Victims of trafficking may continue to need medical and psychological attention and specific re-integration support to ensure that they are not re-trafficked. In some cases, the availability of such arrangements may determine whether or not the individual can be asked to return.

In **Central America, guidelines ensuring that the specific needs of child victims of trafficking** are taken into account have been adopted on both regional and national levels:

- Regional Guidelines for the repatriation of child victims of trafficking, Central America
- National Protocol on the repatriation of child and adolescent victims of human trafficking, Costa Rica

See Chapter VI.

IOM Handbook on organizing the return and reintegration of vulnerable persons

The Handbook was prepared by IOM Bern in 2007 upon request from the Swiss Federal Office for Migration for Swiss social workers, return counselors and other actors dealing with return assistance. It includes general information on migration and categories of vulnerable persons and addresses some practical issues relating to return and reintegration of vulnerable persons, such as elderly and persons with medical needs, victims of trafficking, unaccompanied minors.

Further information is available at <http://www.ch.iom.int/fr/publikationen.html>.

1.4 Cooperation between host country and country of origin

Cooperation by a host country with the country of origin can increase that country's willingness to facilitate the return of their nationals. It also helps to ensure that return takes place in an orderly and predictable manner. Cooperation with key government and non-governmental actors in the host country could include assessing the impact of returns on the home country and providing financial support. Financial support to return communities can increase the sustainability of return by improving the socio-economic circumstances of those communities. States often formalize operational arrangements on return in the form of bilateral readmission arrangements. These accords are often coupled with agreements on development assistance and other financial support.

Additional to bilateral cooperation agreements, the return of non-refugees has been a topic at many regional consultations processes (see Chapter I).

IOM "CLUSTER INITIATIVE" BETWEEN COUNTRIES IN WESTERN EUROPE AND THE SOUTH CAUCASUS, 2001

A Background and Rationale

IOM promotes a regional process among countries of origin, transit and destination to make better use of the assisted voluntary return services it provides to States to administer returns. An example of this process is the bilateral "cluster initiative" initiated for countries of the South Caucasus (Armenia, Azerbaijan and Georgia) and those in western Europe (Belgium, Denmark, Germany, the Netherlands, Sweden and Switzerland). This initiative provides a platform for consultative meetings among representatives of concerned ministries to discuss practical and concrete activities for managing returns.

B Actors

- Countries of origin
- Countries of transit and destination (as noted above)
- IOM

C Actions

The first phase of the cluster initiative began in 2001 and 2002. The purposes of this early phase of the process were:

- To increase effective cooperation on return of unsuccessful asylum-seekers and other persons among the irregular migration flow, including by strengthening the border-management capacities of the South Caucasus through border-guard training and technical assistance;
- To facilitate voluntary return and reintegration of persons returning home through capacity-building in migration management in countries of origin; and
- To establish mechanisms for working together to prevent irregular migration, including information campaigns in the South Caucasus to help prevent irregular migration.

The new phase, in place since 2006, focuses discussions on opening up more regular migration avenues, including labour migration in countries of transit and destination.¹

¹ The project is funded by the European Commission's AENEAS programme and entitled "Informed Migration – An Integrated Approach to Promoting Legal Migration through National Capacity Building and Inter-regional Dialogue between the South Caucasus and the EU".

D *Review*

The cluster initiative provides a forum for facilitating technical cooperation among migration authorities in Europe and the South Caucasus.

As a result of the project, each country in the South Caucasus has established special mechanisms within its ministries to expedite coordination with European counterparts and facilities to disseminate information and counseling to nationals who may be returned.

AGREEMENT BETWEEN SWITZERLAND AND SRI LANKA ON THE RETURN OF UNSUCCESSFUL ASYLUM-SEEKERS FROM SRI LANKA, 1994 - 1996

A *Background and Rationale*

On 11 January 1994, the Governments of Switzerland and Sri Lanka concluded an agreement for the return of unsuccessful asylum-seekers in Switzerland to Colombo, Sri Lanka.

B *Actors*

- Government of Sri Lanka
- Government of Switzerland
- UNHCR

C *Actions*

The agreement includes the following protection safeguards:

- Reiteration of principle that return has to take place in safety and dignity;
- Offering of financial assistance to returnees by the Swiss government;
- Issuance of valid travel documents to all returnees prior to departure and necessary residence documents upon return;
- Phased-in return;
- Request to UNHCR to act as liaison between the returnees and the two parties and to assist in addressing problems encountered by returnees and, to that end, agreement to share information and cooperate with UNHCR;
- Returnees not to be forced to areas where there are still mines;
- Possibility for returnees to reside in temporary holding centres in Sri Lanka administered by the Sri Lankan Red Cross.

D *Review*

As a result of the agreement there was a systematic and orderly return of manageable numbers of individuals rather than sudden and large-scale arrivals. The number of cases of returnees kept in detention upon arrival decreased and with it cases of ill-treatment of returnees. Only a limited number of Sri Lankan nationals were returned on the basis of the agreement, and they were returned involuntarily. The monitoring mechanisms were criticized as being not sufficiently effective.

E *Further information*

Agreement between Switzerland and Sri Lanka on the return of Sri Lankan nationals who have been rejected in the Swiss Asylum Procedure – Annex 1

Further information on readmission agreements:

Database of the MIREM project (Return Migration to the Maghreb) of the European University Institute provides an inventory of bilateral agreements concluded by each of the 27 Member States of the European Union over the last decade.

More information is available at <http://www.mirem.eu/datasets/agreements/>.

1.5 Post-return monitoring

Independent monitoring during the post-return phase ensures that returnees are not subject to protection risks upon return and that they can access reintegration services. This builds confidence among returnees and encourages voluntary return. Monitoring can also help to identify and address shortcomings in the return process.

KOSOVO AIRPORT MONITORING OF FORCED RETURNS, 1999

A Background and Rationale

UNHCR has been implementing a forced return-monitoring project at Pristina International Airport since 1999 in order to gather data, monitor trends in forced return and potential protection gaps. UNHCR's airport-monitoring team systematically interviews and records all minority forced returnees. All persons who need further assistance are referred to appropriate agencies, and protection monitoring is undertaken by UNHCR field officers.

The ATRC Airport Monitoring Team (AMT) is based at Pristina International Airport. Team members record and document the arrival of all forced and alleged forced returns announced as voluntary. The AMT maintains close cooperation with all relevant actors at the airport, particularly with UNHCR's Office of the Chief of Mission's (OCM) Protection Unit, to ensure prompt interventions as needed.

B Actors

- ATRC Airport Monitoring Team
- UNHCR

C Actions

ATRC Airport Monitoring team:

- Monitors the arrivals of minority returnees, with the aim of identifying vulnerable individuals and members of ethnic minorities of concern, according to UNHCR;
- Monitors asylum-seekers arriving at Pristina International Airport and immediately notifies the UNHCR OCM Protection Unit, with the aim of ensuring access to asylum procedures and preventing the misuse of asylum procedures;
- Responds to the needs of vulnerable men and women by referring them to the appropriate international and local authorities and structures;
- Reports to UNHCR's Protection Unit on individual interviews and return statistics;
- Coordinates with UNHCR's Protection Unit and other agencies concerning individuals in need of shelter.

D *Review*

The permanent presence at the point of arrival and the strong relationships with border officials enable the ATRC to monitor the situation on the ground. This places the ATRC in a unique position to notify UNHCR immediately about any changes in the environment that may signal serious problems. However, Pristina airport is not the only entry point for involuntary returns and some form of monitoring of other border-crossing/entry points should be required in the future.

Under the new Readmission Policy, the ethnicity of returnees is no longer reported by the sending countries, which will make it more difficult for the ATRC to identify forced returnees from minority groups, unless the returnee discloses this information himself/herself.

2**Migration (including regularization) options for non-refugees**

Some non-refugees may be able to legalize their stay in the host country based on opportunities provided by that the country's migration laws, or take advantage of opportunities to legally migrate onwards to a third country. Such migration options are generally only open to people with specific profiles, for example, persons with particular skills who can fill a labour shortage, and persons with family or other specific links (ethnic affiliations) to the host or the third country. Many countries also regularize stay on limited humanitarian grounds, such as for persons with specific needs or who are unable to return to their country of origin for various reasons. But there also examples of larger regularization programmes from which all people, or all those who fulfill certain requirements, can benefit. Migration options for non-refugees are also generally open to refugees (see Chapter VII).

**TEMPORARY REGULARIZATION PROGRAMME
THAILAND, 2003 – 2004****A** *Background and Rationale*

Thailand receives a continuing influx of immigrants from neighbouring countries. The largest immigrant groups are from Myanmar, Cambodia and Laos People's Democratic Republic (PDR). Since 2003, Thailand has concluded a number of bilateral and sub-regional agreements, especially with neighbouring countries, on migration-related issues, including employment of workers, and has run regularization programmes.

B *Actors*

- Government of Laos PDR
- Government of Myanmar
- Royal Government of Cambodia
- Royal Thai Government

C *Actions*

- In 2003, Thailand signed Memoranda of Understanding on "Employment Cooperation" with the above-mentioned three countries and agreed on a temporary regularization of workers from these countries illegally present in Thailand and on their return to Cambodia upon completion of their services in Thailand. The agreement also offered legal migration opportunities for people wanting to migrate to Thailand;

- In 2004, Thailand conducted a nationwide migrant-registration campaign and authorized migrants and their families from these countries to stay and work in Thailand for a fixed period of time. Fifteen percent of the wages of the migrant workers are to be withheld and used to finance their return.

D *Review*

The initiative has regularized the presence of migrant workers (domestic workers are excluded from this Agreement) without status in Thailand (1.3 million were registered), thus giving them more protection under labour standards. However, it permitted employers in Thailand to retain the travel documents of Cambodian workers and requires that 15% of the workers' wages are withheld.

E *Further information*

Thailand: Intergovernmental cooperation on temporary migrants. Information note for the 13th Economic Forum Prague 23 – 27 May 2005 – Annex 2

Also available at www.osce.org/item/14679.html.

HARDSHIP COMMISSIONS GERMANY, 2004

A *Background and Rationale*

Section 23a of the German Residence Act allows the Federal States (Laender) to grant a residence permit to a foreigner who would otherwise be obliged to leave Germany if a "Hardship Commission" has made such a recommendation. This provides the authorities with the possibility to review and possibly correct the refusal to issue a residence permit. By the end of 2006, all 16 German states had established such independent Commissions.

B *Actors*

- Authorities of Federal States
- Hardship Commissions, composed of representatives of the regional authorities, the churches, civil society associations and NGOs

C *Actions*

- Requests for consideration of a case as a hardship case by one of the Hardship Commissions may be directed to any member of the responsible Hardship Commission. The request must be accompanied by all documents and facts that might support the claim for continued residence in Germany, including CVs, medical reports, and commitment from a potential employer.
- The foreigner must convince the Commission that his/her departure from Germany presents a special hardship. The criteria employed vary, but all Hardship Commissions restrict their examination to facts relating to the foreigner's situation in Germany and require that the applicant is not subject to an extradition order. Some Hardship Commissions exclude applicants whose hardship situation is the result of self-inflicted reasons, if the person just entered the country, or if the applicant, prior to his/her application, was deported, returned or extradited. A request to a Hardship Commission can be made only once.

- On average, the Hardship Commissions gave positive decisions in 61% of all admissible individual requests. However, there are great differences in the decision practices among the individual Hardship Commissions.
- Protection against deportation during the hardship procedure varies from one federal state to the other. The Statutes of most other Hardship Commissions do not exclude deportation. In practice, however, persons who have applied to one of the Hardship Commissions are usually not returned before a decision on their case has been taken.
- It is at the authorities' discretion whether or not to follow a recommendation of the Hardship Commission. In 86% of all petitions received from the Hardship Commissions, authorities decided to grant a residence permit. In most positive decisions, a long duration of stay, good command of the German language and the presence of children in education were decisive factors. Serious health problems and the need for medical and/or psychological treatment were regarded as justifying the issuance of a petition by the Hardship Commissions only in exceptional cases.

D *Review*

The establishment of the Hardship Commission is generally perceived as a success, as it allowed the authorities to consider individual circumstances and issue residence permits beyond strict legal requirements.

Many applicants were able to legalize their stay in Germany. Since the introduction of the Hardship Commissions in 2005 and until December 2008, more than 4,000 requests for consideration as hardship cases were registered by the Hardship Commissions throughout Germany. The majority of the applicants originate from Kosovo (3,828 individuals) and Turkey (834), followed by Bosnia (277), Vietnam (253) and the Republic of Congo (188). Some 241 applicants were stateless or their country of origin was unknown.

The significance of the Hardship Commissions was recently diminished by the introduction of a long-stay regulation that allows foreign nationals in possession of a "toleration permit" to legalize their stay, if they have resided in Germany for more than six years (families) or for more than eight years (single persons) and are self-sufficient. However, this regulation will expire on 31 December 2010 and no subsequent regulation has been discussed so far.

E *Further information*

Section 23a Residence Act is available at http://www.migrationsrecht.net/component/option,com_docman/Itemid,127/task,doc_download/gid,795/.

further information on the Hardship Commissions is available at the websites of the Hardship Commissions, such as Hardship Commission Saarland <http://www.haertefallkommission.saarland.de/> and Hardship Commission of Nordrhein-Westfalen <http://www.im.nrw.de/aus/25.htm>.

An overview, "Die Hartefallkommissionen der Bunderlander", produced by Amnesty International and FachKommission Asyl, December 2008, is available at: http://www.emhosting.de/kunden/fluechtlingerrat-nrw.de/system/upload/download_894.pdf.

The Council of Europe's Parliamentary Assembly "Report on Regularization Programmes for Irregular Migrants", document 11350 of 6 July 2007, examines the experience of a number of European States in regularizing irregular migrants. The report examines the advantages and disadvantages of regularization programmes by drawing on experiences of past regularization schemes in various countries of the European Union. It distinguishes between permanent, temporary, and earned regularization programmes and analyses criteria, history, and demographics of regularizations. *See Annex 3.*

Martin Baldwin-Edwards and Albert Kraler, *REGINE Regularizations in Europe: Study on practices in the area of regularization of illegally staying third-country nationals in the Member States of the EU (2009)*. The ICMPD study on regularizations in Europe provides a review of regularization practices in the 27 EU Member States, Switzerland and the US, and discusses the main policy issues and possible policy options in regard to regularization on the EU level.

The Study is available at <http://research.icmpd.org/1184.html#c2831>.

UNHCR Support Available

UNHCR may assist partners by:

- Supporting States in their efforts to return non-refugees, provided its involvement is fully consistent with its humanitarian mandate to protect refugees;
- Assisting sending States in verifying that returnees have no international protection needs and take a clear public position on the acceptability of return;
- Facilitating access to documentation and return of stateless persons;
- Encouraging IOM and other partners to establish assisted voluntary return programmes and lobbying for funding.

List of Annexes and Selected References

Annexes

- Annex 1:** Agreement between Switzerland and Sri Lanka on the return of Sri Lankan nationals who have been rejected in the Swiss Asylum Procedure, 1994 – 1996.
- Annex 2:** Thailand, Intergovernmental cooperation on temporary migrants, Information note for the 13th Economic Forum, Prague, 23–27 May 2005.
- Annex 3:** The Council of Europe’s Parliamentary Assembly, “Regularization programmes for irregular migrants”, document 11350 of 6 July 2007.

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Council of Europe, Committee of Ministers, “Twenty Guidelines on Forced Return”, 4 May 2005.

Danish Refugee Council, “Recommendations for the Return and Reintegration of Rejected Asylum-seekers; Lessons Learned from Returns to Kosovo”, May 2008.



Information strategy

10



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Information strategies related to mixed migration can be targeted towards two different goals. They can help to ensure that people who may consider migrating irregularly are sufficiently informed about the risks involved. But information strategies may also be necessary to sensitize host communities to the issue of mixed migration and the protection needs of some of the people involved.

Targeted information campaigns can help to fill gaps in knowledge on opportunities in the desired country of destination and the dangers of irregular movements, such as the risk of trafficking, abuse and exploitation. Information alone will not prevent irregular movements if the push factors are sufficiently serious, as people will embark on irregular travel regardless of the risks involved. But access to information may enable people to take informed decisions, where they have a choice.

Information available at home before departure is more likely to influence an individual's decision-making process than information distributed after substantial investments have already been made in the migration project. Information campaigns should target the entire community rather than only potential migrants, since decisions to migrate are generally based on and supported by a family or community decision.

The content of information campaigns will depend on the specific situation. Messages should be phrased in a way so that they do not inadvertently discourage people fleeing conflict and persecution from seeking asylum abroad. Information about legal migration opportunities, where these exist, will increase the effectiveness of information campaigns. In countries of transit or destination, campaigns could also include distributing information on people's rights and contact addresses for services. Several countries run campaigns to prevent human trafficking and to ensure that victims of trafficking know where they can get help.

Information strategies in host countries could include projects to sensitize communities on the root causes of mixed migratory movements and the human suffering involved. Knowledge and a better understanding of the profiles and protection needs of people involved in such movements can promote tolerance and reduce xenophobic attitudes. Politicians and high-profile individuals could become active in campaigns to discourage hate speech and invite constructive debate on migration.

Public information activities can raise awareness of the refugee component of migratory flows and draw attention to refugees' specific protection needs and entitlements under the 1951 Convention. Information about actions and strategies taken to address such movements in protection-sensitive ways can help to create understanding and support within host communities.

The media through which this kind of information will be conveyed depend on the profile and number of the audience and on the campaign's objectives. Mass media campaigns, using radio or television, can address large audiences of different profiles and backgrounds. Discussion sessions and theatre productions may reach fewer people, but they offer an opportunity for exchanging ideas.

Various techniques can be used to convey messages effectively. "Catch-phrase messages" are useful for attracting the attention of the audience and providing information on a complex matter in a direct and memorable manner. The language of these messages can also be tailored to the culture of the audience. Real-life testimonies can render information more accessible and intelligible. Making use of celebrities or high-profile individuals to convey messages can help to establish trust, reach the target audience, and raise difficult and sometimes contentious issues.

1

Information campaigns

RADIO CAMPAIGN IN ETHIOPIA, 2007

A *Background and Rationale*

In cooperation with its partners, IOM ran a two-month radio campaign in Ethiopia from December 2007 to February 2008. The aim of the campaign was to increase awareness about the dangers of irregular migration from Ethiopia through Somalia across the Gulf of Aden to Yemen, and to sensitize communities most affected by smuggling and trafficking.

B *Actors*

- IOM Special Liaison Mission (SLM), Addis Ababa
- Ministry of Labour and Social Affairs
- Mixed Migration Task Force Somalia (UNHCR, UNICEF, OCHA, OHCHR and UNAIDS)
- National Task Force to Combat Trafficking in Persons (Ministry of Justice, Foreign Affairs, Education, local NGOs)

C *Actions*

- During the two months, IOM aired 60 radio spots of 30 seconds each on the national radio of Ethiopia. The spots ran in four local languages. The messages contained advice on safe migration, and the myths and realities of smuggling, focusing on the hazardous journey through the Gulf of Aden.
- An IOM hotline number was provided to listeners seeking further information and advice on migration opportunities and their individual circumstances. Three full-time IOM staff and one intern provided hotline counseling to callers.
- In addition to the radio spots, the campaign included leaflets that informed potential migrants, asylum-seekers and refugees of the dangers of crossing the Gulf of Yemen and information on the right to seek asylum in Somalia. They also highlighted individuals' right to be treated humanely, thereby sending a message to host States on how to receive new arrivals.
- IOM and its partners plan to continue the campaign. IOM specifically wishes to explore opportunities to conduct additional radio programmes in local languages and to organize community dialogues in selected regions of the country.

D *Review*

Radio was chosen as the appropriate and relatively inexpensive information medium because it reaches 80 percent of Ethiopia's population. The radio spots prompted dialogue within communities on issues relating to irregular migration.

The hotline service not only provided personalized and detailed advice, but also enabled the IOM and its partners to gather information about the callers, including age, gender, previous migration experience, marital status, education level, occupation, place of origin, and desired destination. The feedback received both through the hotline and from Ethiopian radio journalists, who had been contacted by listeners, provided a clearer picture of the extent to which basic facts on irregular migration were known to the targeted population. The results displayed a general lack of awareness about the risks attached to irregular migration.

The success of the radio campaign was undermined by some network problems and by the lack of fluency of hotline operators in all of the four languages. This also affected the accuracy of the statistical profiles compiled by the IOM.

E *Further information*

Radio campaign in Ethiopia, final Report of IOM to UNHCR, Raising awareness to combat trafficking and smuggling through Bossasso, 1 December 2007–31 January 2008 – Annex 1

SPANISH TELEVISION CAMPAIGN IN SENEGAL, 2007

A *Background and Rationale*

A Spanish television advertisement was aired in Senegal for six weeks in late 2007 as a response to the increasing numbers of mixed migration movements from Senegal and other African countries to the Canary Islands in Spain. The television campaign, aimed at deterring irregular migration, was supplemented by both radio and print messages.

B *Actors*

- Spanish Immigration Department
- Spanish Media

C *Actions*

- The campaign included messages to warn about the dangers of irregular migration and information about living conditions in Europe;
- The Spanish advertisements used the slogan “Don’t risk your life for nothing. You are part of the future of Africa”;
- Senegal native internationally-celebrated singer Youssou N’Dour, appears in the video, speaking in Wolof, the area’s most common language, to urge viewers to consider the dangers involved in migrating to Spain.

D *Review*

The campaign attempts to put a positive spin on warning individuals of the dangers of irregular migration by reminding them of their value in their home countries. Messages from celebrities strengthen and increase the profile of the campaign. The campaign’s organizers should contemplate the idea of including information on alternative solutions to irregular migration in the TV spot.

WOMEN'S ASSOCIATION AGAINST IRREGULAR MIGRATION IN SENEGAL¹, 2006

A *Background and Rationale*

In most West African societies, young men are expected to support their family. In rural areas, social success is often tied to migration and sending of remittances from abroad. Mothers are usually the first to encourage their sons to emigrate in order to ensure their “success”. They pay for the trip and contact *marabout*, who provide the mystical protection needed for the trip. With “adventure” and “getting by” as new models of success, youth migration becomes a kind of rite of passage towards adulthood².

Thiaroye-sur-Mer is a poor suburb of 45,000 people that used to be a traditional fishermen's village on the outskirts of the Senegalese capital, Dakar. Since the 1990s, poverty has increased because of declining fish stocks, and more and more young people are engaging in risky trips to the Canary Islands, their only perceived chance of success. For the past few years, migrants from this village have died at sea.

In 2006, the mothers of young migrants who had perished at sea while trying to reach the Canary Islands, converted an already existing local NGO (“Collectif pour le Développement Intégré de Thiaroye-sur-Mer”) into the Women's Association against Irregular Migration in Senegal (“Association des femmes pour la lutte contre l'émigration clandestine au Sénégal”) with the aim of sensitizing youth on the dangers of irregular migration from Senegal to Europe.

B *Actors*

550 Senegalese women whose sons or husbands have died at sea while trying to reach Europe.

C *Actions*

- The Association conducts regular awareness-raising and information campaigns on the dangers of irregular migration through sensitization workshops and TV shows, among other media. These campaigns target Senegalese youth as well as the key actors in migration projects, including mothers, wives, and religious leaders. The Association, whose work began in Thiaroye-sur-Mer, has now expanded its activities to 34 locations.
- The Association also offers income-generating and microfinance projects for the victims' families and for potential migrants. As a priority, the association assists local villagers in diversifying their activities.

D *Review*

The Association has mobilized mothers who have all suffered a loss to speak with one voice about the dangers of illegal migration. The mother-son relationship has always been at the heart of the migration process in West Africa, and the recent change in the mothers' attitudes has been key to the campaigns against irregular migration to Europe.

In addition, the income-generating and microfinance projects have allowed some young potential migrants to stay in Senegal or to gather the financial means to travel legally.

¹ See also Emmanuelle, Bouilly, March 2008, “Les enjeux féminins de la migration masculine”, in *Politique Africaine*, No 109.

² Marion, Frésia and Florianne Charrière, “West Africa as a Migration and a Protection area”, October 2008, available at <http://www.unhcr.org/protect/498823d72.html>.

The president of the Association, Mrs Yayi Bayam Diouf, has raised awareness about her Association's work among key national and international stakeholders. Their interest and the Association's high profile in the media have enabled the Association to raise funds and develop its activities.

Awareness-raising and information on human trafficking

2

LOCAL ANTI-TRAFFICKING NETWORK IN SOUTHERN MEXICO, 2006

A *Background and Rationale*

Since June 2006, a broad coalition of partners from government, NGOs, and international organizations have been working together under the umbrella of the Local Anti-trafficking Network (“Network”) to prevent human trafficking and protect and assist victims at the southern border of Mexico.

B *Actors*

The National Institute for Migration, the Department of Family Development, the Mexican Commission to Assist Refugees, the State of Chiapas, the National Human Rights Commission, the State Human Rights Commission, UNHCR, IOM, the Honduran, Guatemalan and Salvadoran Consulates, Fray Matías de Córdova Human Rights Center, the Municipal and State Police Departments, and other NGOs working at the southern border of Mexico.

C *Actions*

- *Training*: The Network, both as a coalition and through its individual members, has developed a number of trainings on human trafficking, including presentations on the asylum-trafficking nexus.
- *Education*: The Network has visited local schools to inform and sensitize students and teachers about the problem of human trafficking. It has also created theatre pieces about human trafficking that have been performed in public squares.
- *Prevention materials*: The Network has developed a number of prevention materials, including information pamphlets about human trafficking, that have been distributed in the community.
- *Lobbying and advocacy*: The Network has met with state lawmakers to advocate for passage of state anti-trafficking legislation. This legislation is being developed by the State of Chiapas with input from the Network.

D *Review*

Since its inception, the Network has raised awareness on the issue of human trafficking and made advances toward developing legislation on the issue.

The Network has no official mandate or status as an organization yet; nor does it have its own budget. There are varying levels of commitment among the wide range of actors involved in the Network.

PROJECT AGAINST HUMAN TRAFFICKING AND SEXUAL AND GENDER-BASED VIOLENCE (PATS)³ – SEE CHAPTER VI, SLOVENIA, 2003

A *Background and Rationale*

In Slovenia, the Project against Human Trafficking and Sexual and Gender-based Violence (PATS) was designed to provide vulnerable groups among asylum-seekers with information on the dangers of irregular migration and trafficking. It was also intended to assist in identifying existing trafficking victims and to provide them with necessary assistance.

B *Actors*

- Ministry of the Interior
- Two Slovenian NGOs

C *Actions*

- The Ministry of the Interior and the Slovenian NGOs drafted a brochure entitled “The Dictionary” that contains information on the risks associated with human trafficking and the rights of persons affected, and encourages victims to identify themselves. The brochure also advises victims of trafficking on where they could obtain protection and assistance in Slovenia and in destination countries. The brochure was distributed to all women and unaccompanied/separated child asylum-seekers who had claims pending with protection authorities.
- Social workers provided one-on-one information sessions with women and unaccompanied/separated child asylum-seekers, explaining the risks of human trafficking and outlining the information contained in The Dictionary brochure. During these sessions, asylum-seekers could identify themselves to social workers as trafficking victims and obtain protection.

D *Review*

The programme demonstrates an effective combination of widely disseminated information (The Dictionary) paired with follow-up interviews and one-on-one information sessions. This dual technique ensures that the maximum number of people have access to information, through brochures, without losing the benefits of personalized discussions during which a victim of trafficking is more likely to identify himself/herself. The project was later extended to Bosnia and Herzegovina.

The project only targeted women and unaccompanied/separated children who had already been identified as asylum-seekers. Other migrants had no access to this information.

E *Further information*

UNHCR Handbook for the Protection of Women and Girls, Chapter 5.3.2, January 2008, available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=handbook+protection+of+women+and+girls>.

³ This practice was also included in the UNHCR Handbook for the Protection of Women and Girls, Chapter 5: Exercising Rights and Ensuring Protection: 5.3.2: Smuggling, trafficking and abduction, January 2008.

Information and sensitization activities in host countries

3

ANTI-RACISM AWARENESS CAMPAIGN, ITALY, 2009

A *Background and Rationale*

A broad coalition of actors from Italian civil society and UNHCR launched an awareness campaign against racism and xenophobia in March 2008 entitled “Do not fear, be open to others, be open to rights” (“NON AVER PAURA, APRITI AGLI ALTRI, APRI AI DIRITTI”).

The campaign addresses the perceived links between immigration and national and personal security that have been developing in Italy in recent years. Italian media have contributed to this perception by scaremongering and sensationalizing, rather than providing fair and accurate information. This led to changes in people’s attitudes. The list of documented incidents of racism and xenophobia around the country has grown significantly.

The objective of the campaign is to foster mutual understanding and to root out prejudice, which is fueling racism.

B *Actors*

- Amnesty International
- Italian NGOs
- Italian trade unions
- Religious charities
- Save the Children
- UNHCR

C *Actions*

- Invite individuals to sign a petition focusing on principles based on the Italian Constitution and Universal Declaration of Human Rights. Individuals with political or public roles are asked to sign a specific document of commitments. Journalists are requested to respect the “Charter of Rome”, a media Code of Conduct regarding asylum-seekers, refugees, victims of trafficking and migrants promoted by UNHCR.
- The campaign has produced a variety of tools, including a TV/radio spot starring several popular Italian TV and cinema actors, website big posters, postcards, stickers and pins with the logo of the campaign, a smiling yellow ghost, designed by an 11-year-old Roma boy.
- The TV spot is based on the idea that racism is linked to prejudice and prejudice provokes fear in others. The spot shows that prejudice affects everyone.

D *Review*

This is the first time that so many organizations and associations with different mandates and missions joined forces to organize a common event. The campaign just started and has not yet been evaluated.

E Further information

Anti-racism awareness campaign 2009, Italy, Information leaflet on the press conference (Italian only), 18 March 2009 – Annex 2

The spot and the materials are on the web site www.nonaverpaura.org (in Italian).

“La nuit sur la figure”, Algeria

The publication, “La nuit sur la figure. Portraits de migrants”, produced by the Italian NGO CIPS (Comitato Internazionale per lo Sviluppo dei Popoli) and UNHCR Algiers in 2008 presents photos and testimonies from 17 migrants and refugees in Algeria. It gives migrants and refugees a platform from which they inform the broader public about their travel, their lives in Algeria, their hopes and expectations. The publication has been widely distributed in Algeria and other countries in North Africa.

UNHCR *Refugees* magazine 2007: Refugee or Migrant? Why it matters, and the category “Asylum and Migration” on UNHCR’s website

UNHCR devoted its last issue of *Refugees* magazine to the topic of mixed migration. A series of articles reported on different mixed migration situations around the world (Gulf of Aden, southern Africa, Mediterranean, and Caribbean). The magazine also draws attention to the difficulties States have in distinguishing between refugees and migrants. The magazine is available on UNHCR’s website, which also has a specific category, “Asylum and Migration”, with updated information on mixed migratory movements in different regions.

The magazine is available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=Refugees+Magazine+migrant>.

UNHCR THEATRE PRODUCTION FOR AFGHAN REFUGEES IN PAKISTAN, 2008**A Background and Rationale**

In 2008, UNHCR Pakistan, in partnership with the Pakistani NGO Struggle for Change, ran a public-awareness campaign using theatre to convey messages designed to “sensitize” Afghan refugees on their legal rights and obligations within Pakistan.

B Actors

- Struggle for Change, Pakistani NGO
- UNHCR Pakistan

C Actions

- UNHCR worked with “Struggle for Change” to organize dramatic performances focusing on issues such as securing proper identification documents upon arrival, police harassment, torture, and sexual and gender-based violence against women and children.

- The Theater for Development programme operates in a number of countries worldwide, offering similar sensitization programmes.
- UNHCR Pakistan and a local NGO sent Afghan dramatic troupes to villages where they gave performances to crowds of Afghan men and boys who gathered out of curiosity.
- UNHCR's project in Pakistan also featured a series of educational workshops for law enforcement authorities in major cities, in an effort to raise awareness about the plight and rights of refugees.

D *Review*

The programme conveys practical information that is crucial for maintaining legal status in Pakistan in a compelling, easily understood manner. While theatre is an innovative and effective medium for conveying messages to a targeted audience, it does not reach large numbers.

E *Further information*

UNHCR, Reality-based drama helps Afghans understand refugee rights, 18 August 2008 – Annex 3

Theatre play *Toda Tierra es Tu Tierra*, Costa Rica

The UNHCR-sponsored play, called *Toda Tierra es Tu Tierra*, cast 45 young people, including Costa Ricans and Colombian refugees. The play depicts the experience of several individuals who had to flee their home country to save their lives. It was presented in several locations around the country in 2007 and 2008. The play was awarded by the Costa Rican Ministry of Culture for its value in supporting tolerance and cultural diversity. See Annex 4.

EDUCATIONAL TOOLKIT ON ASYLUM AND MIGRATION IN THE EU: “NOT JUST NUMBERS”, 2009

A *Background and Rationale*

The toolkit aims to enhance understanding about asylum-seekers, refugees and migrants in the EU, and to promote a fair perception of these groups and their acceptance in European society.

B *Actors*

- IOM
- UNHCR

C *Actions*

- Develop and disseminate teaching materials (DVD, teachers' manual, evaluation form) targeting 12-to-18-year-olds;

- The DVD depicts the lives of different types of migrants, including asylum-seekers, resettled refugees, victims of trafficking, labour migrants, and family migrants, by telling the stories of individuals representing each of these categories;
- The teaching kit is specifically designed to answer questions and address misperceptions common among young people about migrants and refugees;
- Some 2,000 pilot toolkits, in 20 different languages, will be produced in this initial project phase and distributed in all Member States.

E *Further information* and the toolkits are available on UNHCR's and IOM's websites: www.unhcr.org and www.iom.int.

UNHCR Support Available

UNHCR may assist partners by:

- Designing and implementing information campaigns where persons of concern to the Office form part of mixed movements;
- Distributing information to persons of concern in refugee camps or urban settings;
- Initiating campaigns to combat racism and xenophobia.

List of Annexes and Selected References

Annexes

- Annex 1:** Radio campaign in Ethiopia, final Report of IOM to UNHCR, Raising awareness to combat trafficking and smuggling through Bossasso, 1 December 2007–31 January 2008.
- Annex 2:** Anti-racism awareness campaign 2009, Italy, Information leaflet on the press conference (Italian only), 18 March 2009.
- Annex 3:** UNHCR, Reality-based drama helps Afghans understand refugee rights, 18 August 2008.
- Annex 4:** UNHCR, ACAI (NGO for refugee protection), the Ministry of Culture and Youth, and teachers and students of the “Conservatorio Castella” – a state-run school renowned for its excellence in arts, Toda Tierra es Tu Tierra (All Land is Your Land), June 2007- December 2008.

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