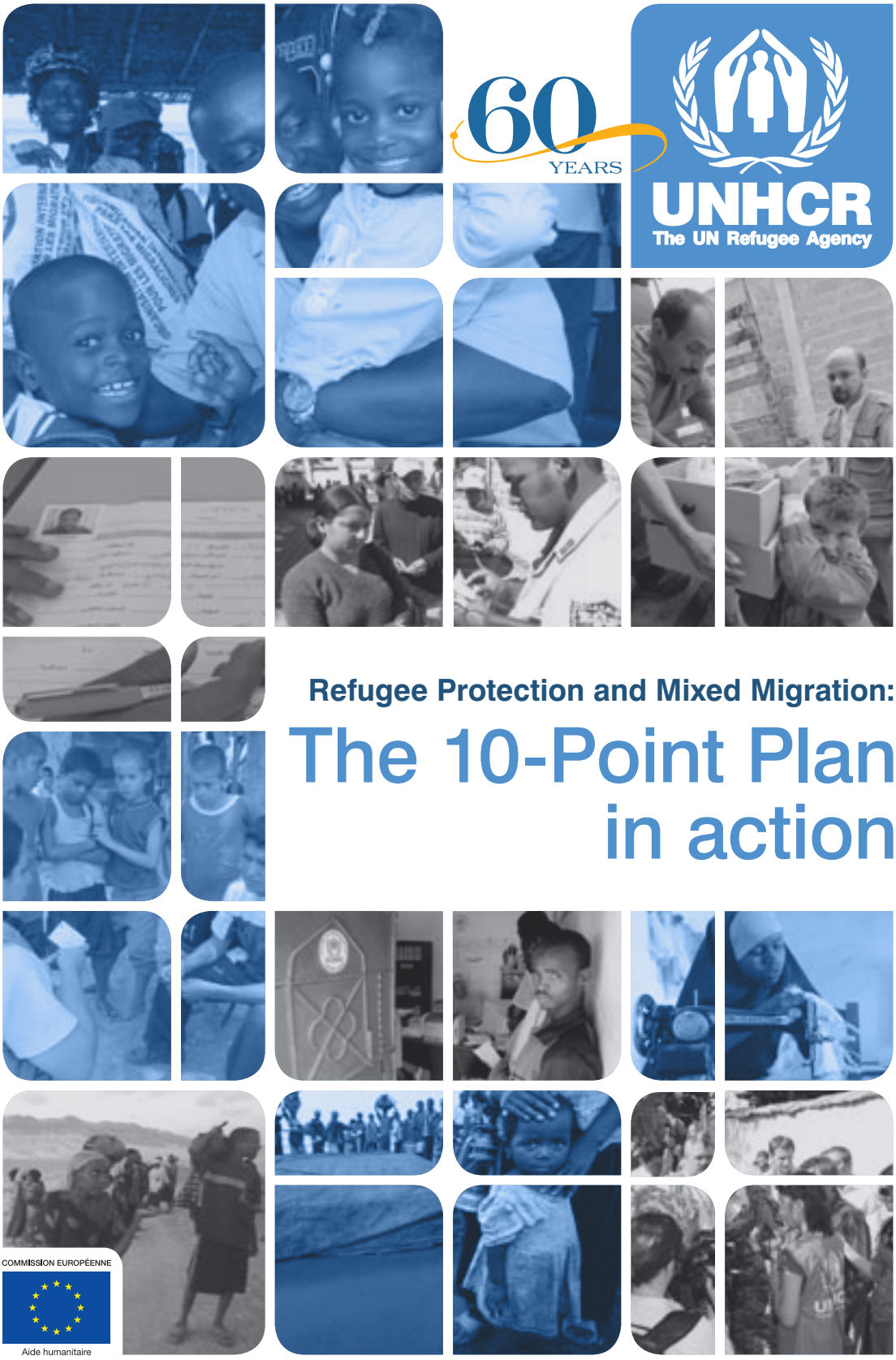

60 YEARS

UNHCR
The UN Refugee Agency

Refugee Protection and Mixed Migration:

The 10-Point Plan in action

COMMISSION EUROPÉENNE

Aide humanitaire

Refugee Protection and Mixed Migration:

The 10-Point Plan in action

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Foreword

From conflict and human rights violations to environmental catastrophes or poverty and lack of life prospects, the drivers of displacement are multiplying in an ever more mobile world. The impetus to migrate somewhere increasingly has its roots in a myriad of push and pull factors linked variously to security, human rights, socio-economic and geo-political push and pull factors. This is complicating seriously the environment in which refugee protection has to be realised. Disentangling refugees from migrants so as to ensure their proper protection is one aspect of this.

In response to the many challenges inherent in identifying and protecting refugees travelling within broader movements of persons, UNHCR developed a *10-Point Plan on Refugee Protection and Mixed Migration* in 2006. The 10-Point Plan provides a number of practical suggestions to assist States in developing and implementing protection-sensitive migration strategies, that is, strategies that take into account the needs of refugees and other specific groups of persons travelling within mixed flows.

Four years since it was first issued, the 10-Point Plan enjoys broad recognition in many regions. The Office, and an increasing number of States, use the 10-Point Plan as a strategic tool to support advocacy, liaison with and between government agencies, and work with other partners. The Plan's comprehensive approach, presenting refugee protection as a modest and manageable task, has helped to improve the legislative and institutional frameworks on refugee and asylum matters in countries confronted with mixed flows. The collaborative approach underpinning the Plan has proven essential for advancing practical protection responses in the context of mixed movements.

I have promised for some time that UNHCR would make available a compilation of practices relevant to the implementation of the Plan across its various subject areas. Generous funding from the European Commission has helped us to realize this project. The collection of practical examples contained in this Compilation is largely based on input from our field offices, government and non-governmental partners around the world. The series of regional stakeholder conferences on refugee protection and international migration which UNHCR has convened together with partners in the course of the past few years has provided further contributions.

The examples in this Compilation have not been selected as "best practices" as such, not least because some of them, while overall positive, do contain less positive aspects from a protection perspective. They have, though, been included as together they illustrate how States and other actors are endeavouring to grapple with the difficult and manifold challenges posed by mixed movements, while seeking to find the proper balance between national interests and international responsibilities. This Compilation is a living document. Our expectation is that we will add to it or subtract from it practices which either have proved their worth or have been deemed ineffective.

I invite all readers to use this Compilation as a source of guidance to develop new projects and initiatives in the area of refugee protection and mixed movements.

Geneva, 15 December 2010
Erika Feller
Assistant High Commissioner (Protection)

Acknowledgements

This Compilation has been made possible thanks to generous funding received from the European Commission. It forms part of a three year project entitled "UNHCR's 10-Point Plan in Central America, Western Africa, Eastern Africa and Asia" funded under the Multi-Annual Thematic Programme for cooperation with third countries in the areas of migration and asylum.

The Compilation is the product of a collaborative effort and draws on contributions from UNHCR staff and partners. It is based on the provisional release issued in June 2009 for consultation purposes and incorporates feedback received.

The Division of International Protection (DIP) particularly wishes to thank the many colleagues in headquarters and the field who contributed to this Compilation by providing information about interesting practical examples or comments on draft chapters. In addition, we wish to thank IOM for their helpful comments and input, especially on Chapter 9 (Return of Non-Refugees). Finally, we would also like to draw attention to the substantive contribution to this Compilation made by several DIP consultants and interns.

First edition, February 2011

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List of Acronyms

10-Point Plan (or "the Plan")	10-Point Plan on Refugee Protection and Mixed Migration
1951 Convention	1951 Convention relating to the Status of Refugees, 189 U.N.T.S. 137, *entered into force* 22 April 1954
1967 Protocol	1967 Protocol to the Convention relating to the Status of Refugees, 606 U.N.T.S. 267, *entered into force* 4 October 1967
2000 Palermo Protocols	Supplementary protocols to the Convention against Transnational Organized Crime (2000): Protocol against the Smuggling of Migrants by Land, Sea and Air (2000); Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000); and Protocol against the Manufacturing of and Trafficking in Illicit Firearms, Ammunition and Related Materials (2001)
EC	European Commission
EU	European Union
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
IOM	International Organization for Migration
MOU	Memorandum of Understanding
NGO	Non-governmental Organization
OECD	Organisation for Economic Co-Operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-Operation in Europe
RSD	Refugee Status Determination
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
United States/USA	United States of America
UK	United Kingdom of Great Britain and Northern Ireland
WFP	World Food Programme

Introduction

The growing scope and complexity of population movements have multiplied the points of intersection between refugee protection and international migration. "Mixed movements", in which persons with different objectives move alongside each other using the same routes and means of transport or engaging the services of the same smugglers, can create challenges for States as well as risks for individuals travelling as part of such movements. Travel, where it takes place without the requisite documentation, is often dangerous, exposing individuals to exploitation and abuse by smugglers and traffickers or placing their lives at risk. Many persons who travel in an irregular manner have specific needs that require urgent attention. Identifying refugees within broader irregular mixed flows can be challenging, especially where individuals themselves have various motives for moving. Once identified, refugees require protection against *refoulement*, the possibility to become self-reliant, and access to durable solutions.

At the same time, increasing awareness of the broader phenomenon of migration and the ongoing development of migration laws and policies by States can offer new opportunities for refugee protection, as well as assistance for other persons travelling as part of mixed movements including victims of trafficking and unaccompanied/separated children. Regional liberalization and migration programmes to meet labour demands, for instance, have broadened the protection space available to refugees in some countries.

The 10-Point Plan is a tool developed by UNHCR to assist governments and other stakeholders to incorporate refugee protection considerations into migration policies. The 10-Point Plan consists of 10 action points, each proposing practical, protection-sensitive tools and strategies that could be adopted as part of effective and coherent responses to mixed movements. The focus of the 10-Point Plan is on activities in countries of transit and destination, based on a foundation of cooperation and burden sharing between interested States and other stakeholders. It incorporates both traditional protection activities as well as specific proposals to protect refugees and asylum-seekers travelling as part of mixed movements. In particular, the 10-Point Plan recommends establishing entry systems that contain mechanisms to identify new arrivals with protection needs and to meet the needs of other categories of persons involved in mixed movements.

The 10-Point Plan does not specifically address the root causes of mixed movements. It does, however, recognize the need for longer-term engagement and sustainable development geared towards peacebuilding, democratization and the creation of livelihood opportunities as part of a comprehensive and collaborative approach.

The development of the 10-Point Plan has benefited from protection initiatives that governments, UNHCR and its partners have developed in various regions. Since its publication in 2006, the 10-Point Plan has also inspired new projects. This publication presents a selection of both these more established and more recent projects, with a view to providing practical guidance on the implementation of the 10-Point Plan to governments, UNHCR staff and other stakeholders.

Nearly 200 practical examples from approximately 110 different countries were chosen for the specific contribution they make towards achieving the objectives of the 10-Point Plan: developing migration strategies that address the sovereignty and security concerns of States, but that also consider the needs and rights of all persons involved in mixed movements. Many of the examples

involve various stakeholders, both governmental and non-governmental, demonstrating the importance and value of cooperative efforts.

The examples in this compilation have been chosen for their added value, notwithstanding implementation challenges. Some of the challenges 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. Hence, classifications such as "best practice" or "good practice" have been avoided.

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. However, it is expected that the compilation of examples will quickly expand to include other regions in view of the growing number of initiatives.

Structure of this Compilation and Explanation of the Symbols Used

This Compilation is structured according to the 10 action points of the 10-Point Plan, with an emphasis on presenting practical examples. Each chapter begins with an introduction, followed by a list of suggestions for stakeholders and support that UNHCR may provide to partners. This is followed by relevant practical examples. The examples are primarily organized in each chapter by country or region. Although the examples are not listed in a particular order of preference, a few examples have been highlighted to emphasize particularly effective practical implementation. Supporting documentation is provided for most examples in the annexes, which are available in the attached CD-ROM. Many examples also contain weblinks where further information about the project can be obtained. Each chapter concludes with a list of selected references.

The following symbols are used throughout this publication:

Particularly effective practical implementation

A useful operational tool

This publication is designed to be a living document. An online version is available on the UNHCR public website and will be updated periodically.

UNHCR welcomes comments, suggestions and information about projects and initiatives that could further enrich the compilation of examples. Please send any such information to the following email address: HQPR07@unhcr.org.

UNHCR
Division of International Protection
February 2011

UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Refugee Protection and Mixed Migration: A 10-Point Plan of Action

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3. **Protection-sensitive entry systems**
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6. **Differentiated processes and procedures**
7. **Solutions for refugees**
8. **Addressing secondary movements**
9. **Return arrangements for non-refugees and alternative migration options**
10. **Information strategy**

Introduction

While refugees and asylum-seekers account for a relatively small portion of the global movement of people, they increasingly move from one country or continent to another alongside other people whose reasons for moving are different and not protection-related.

More often than not such movements are irregular, in the sense that they take place without the requisite documentation and frequently involve human smugglers and traffickers. The people who move in this manner often place their lives at risk, are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse. States regard such movements as a threat to their sovereignty and security.

It has become imperative for the international community to address this phenomenon in a more coherent and comprehensive manner. States have assumed protection responsibilities for refugees under international instruments which it is in their collective interest to honour.

More specifically, steps must be taken to establish entry systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for them, side by side with such other solutions as need to be pursued for other groups involved in mixed movements. UNHCR is especially mindful of the need to ensure that the provision of protection and asylum to refugees and other people of concern to the Office does not compound the difficulties that states experience in controlling more generally the arrival and residence of foreign nationals and in combating international crime.

This paper sets out ten key areas in which UNHCR has an interest and a potential role to play, and where the Office believe initiatives are called for and could make a positive impact. The Plan of Action provided in the paper is especially relevant to situations where refugees are at risk of *refoulement*, human rights violations and hazardous onward movements.

The paper does not purport to be comprehensive in relation to matters that are beyond the competence and responsibility of UNHCR. Nor does it contain a detailed blueprint for the implementation of each component of the Plan of Action.

The matrix in Annex I sets out the goals that the Plan of Action is intended to achieve and contains suggestions for activities that might be undertaken under each of the ten component parts.[1] The Plan of Action is global in nature and its implementation would evidently have to be adapted to specific regional and national contexts.

1 Cooperation among key partners

Effective approaches to the dilemmas of mixed movements will inevitably depend upon full cooperation amongst the key actors concerned: affected states, governmental bodies, regional and international organizations with relevant mandates (e.g. UNHCR, OHCHR, UNICEF and IOM) as well as local and international NGOs.

Hence, a first step is to identify and convene such actors in an appropriate forum so that they can exchange information and establish terms and conditions for cooperation and coordination. The convenor of such a forum would preferably be one or more of the affected states but an international organization can also play a 'good offices' role in this respect.

2 Data collection and analysis

A key to any coherent and comprehensive strategy is the collection, analysis and exchange of data about the characteristics of the movement and those groups which make it up. Such data should typically include information relating to conditions in countries of origin, motivations for movement, modes of transport, transit routes and entry points. An international or regional organization may be well placed to offer support for this function.

3 Protection-sensitive entry systems

The establishment of a functioning entry system is an important element in any strategy relating to mixed movements. Border control is essential for the purposes of combating international crime, including smuggling and trafficking, and averting security threats.

Practical protection safeguards are required to ensure that such measures are not applied in an indiscriminate or disproportionate manner and that they do not lead to *refoulement*.

1 Annex I: Ten Point Plan of Action Checklist for UNHCR is available on the enclosed CD-Rom.

In this respect, border guards and immigration officials would benefit from training and clear instructions on how to respond to asylum applications and how to handle the needs of separated children, victims of trafficking and other groups with specific needs.

With regard to irregular maritime migration, a particular range of considerations arise, including safeguarding lives at sea, respecting the obligations of maritime law, maintaining the integrity of the search and rescue regime and ensuring the smooth flow of maritime traffic.

4 Reception arrangements

Appropriate reception arrangements are needed to ensure that the basic human needs of people involved in mixed movements can be met. Such reception arrangements should also enable new arrivals to be registered and provided with temporary documentation. Especially in situations where a high percentage of the new arrivals are refugees or asylumseekers, UNHCR could facilitate the putting in place of appropriate arrangements, or be otherwise involved on a temporary basis, together with the principally responsible party.

5 Mechanisms for profiling and referral

Once new arrivals have been registered and provided with temporary documentation, an initial determination will have to be made with regard to who they are, why they have left their own country and where their intended destination is. Counselling provides an opportunity to establish whether they wish to seek asylum and to identify other options available to them, including return, regularization or regular onward migration. This channelling arrangement would not constitute a refugee status determination. Rather its role is to give a good indication of a person's motives for departure and to ensure the person's situation is met with the most appropriate response. Annex II to this note provides a schematic representation of how such a profiling and referral mechanism might work.[2]

6 Differentiated processes and procedures

With respect to asylum claims, those which appear to be relatively simple (because they are well founded or manifestly unfounded) could be assessed in an expedited procedure. Other and more complex claims normally will require a more detailed assessment. Different processes outside the asylum arrangements should address the situation of people with specific needs which are not refugee related, including victims of trafficking not in need of international protection, as well as persons who are seeking to migrate (see Chapter 9 below).

While UNHCR is likely to be a principal partner for states in relation to refugee status determination procedures, NGOs, lawyers and civil society institutions should also have a role to play in this component of the Plan of Action. In relation to other processes, UNHCR will only be minimally involved, if at all. The likely partners will depend on the situation in the specific country and on which organisations are present and willing to act as partner.

2 Annex II: Schematic Representation of a Profiling and Referral Mechanism in the Context of Addressing Mixed Migratory Movements is available on the enclosed CD-Rom.

7 Solutions for refugees

People who are recognized as refugees or as otherwise being in need of international protection require a protection-based response that includes a durable solution, the nature of which will depend on the opportunities and constraints inherent in each situation.

A comprehensive approach involving a mix of solutions will often offer the best chances for success. Beyond the classic durable solutions, legal migration opportunities may open up a complementary avenue for some refugees.

Refugee-receiving countries may benefit from international assistance to strengthen national protection capacities.

8 Addressing secondary movements

Addressing the situation of refugees and asylum seekers who have moved on from countries where they had already found adequate protection requires a more defined strategy. This strategy should take into account both the legitimate concerns of states about irregular onward movement and the rights and well-being of the people concerned. To date efforts to articulate such a strategy have failed to muster international consensus. UNHCR is committed to continuing the effort in this regard.

9 Return of non-refugees and alternative migration options

For people who are found not to be refugees, and for those who do not wish to seek asylum, expeditious return in safety and dignity is usually the preferred response of states. UNHCR may, on a good offices basis, assist states in the return of people who are not in need of international protection where this is the most appropriate and agreed solution. The manner in which UNHCR could be of assistance deserves closer examination by all interested parties.

There will be circumstances where people who do not meet the criteria for refugee status may nevertheless be in a position to access alternative temporary migration options. These could variously allow them to stay legally in the country of arrival, or to move to a third country for humanitarian reasons, or for the purposes of work, education or family reunion. Efforts to address mixed population movements should also explore a place for regular migration options, temporary or even longer term.

10 Information strategy

All of the measures described above should be complemented by information campaigns in countries of origin, transit and destination. People need to be alerted to the dangers of irregular movement and the difficulties they might face upon arrival, as well as to any alternatives to irregular migration which might also meet their circumstances.

Such information campaigns will likely not curb irregular movements entirely but, if combined with the other action points and supported by longer term measures to tackle the root causes of such movements, they may have a positive impact.

While information campaigns are primarily a task for agencies with a migration or information related mandate such as IOM, UNHCR may also play a role in such initiatives. UNHCR also has capacity and interest to initiate public awareness activities about the plight of refugees, in order to promote tolerance and to combat racism and xenophobia.

UNHCR
January 2007

Refugee Protection and Mixed Migration:
A 10-Point Plan of action

1

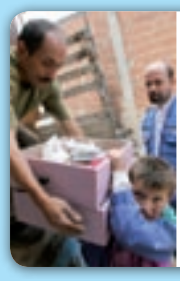
Cooperation among key partners

2

Data collection and analysis

3

Protection sensitive entry systems



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Information strategy

Cooperation among key partners

CHAPTER 1

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Introduction

The principle of international cooperation, and related concepts such as burden and responsibility sharing and international solidarity, are important parts of the international refugee regime: the Preamble of the 1951 Convention itself recommends that States address refugee challenges collectively, sharing responsibilities to balance the burdens.

Such cooperation – between States, but also among other stakeholders including relevant international organisations and NGOs – is particularly vital in order to address mixed movements in an effective and coherent way. Mixed movements, by definition, involve various categories of persons travelling along similar routes and using the same methods of transport but with different needs, profiles and motivations. Because mixed movements regularly affect several countries falling along a particular migration route, they usually cannot be addressed by any one State alone. Further, due to the different profiles of the individuals involved, responses also do not fit solely within the mandate or expertise of UNHCR or any other organization.

In the context of the 10-Point Plan, a key objective of cooperative arrangements among key partners is to ensure that migration policies are both effective and "protection-sensitive", that is, they take into account the needs of all persons who travel as part of mixed movements, including asylum-seekers, refugees, trafficked persons, unaccompanied and separated children and other groups.

As opposed to the other action points of the 10-Point Plan, which outline tools for developing practical, protection-sensitive responses to mixed movements within a particular subject area, the theme of this Chapter, "Cooperation among Key Partners", provides an overarching methodology for addressing mixed movements. Most of the examples in this Compilation involve more than one actor and demonstrate how cooperation can be operationalized to address mixed movements in that specific area. By contrast, the examples presented in this Chapter focus broadly on cooperation at the national, regional and international levels across several or all aspects of mixed movements.

Every mixed movement situation is different. It is not feasible to develop tools for cooperation in the abstract without regard to the particular situation and the needs and interests of all persons involved. Further, as indicated above, relevant partners in any particular situation will determined by several factors, such as the travel routes (implicating different States), the profiles of persons on the move (implicating agencies with different areas of expertise), and the mandate and resources of government ministries, international organizations and NGOs with an actual or potential presence in the affected State or region. Stakeholders may also vary depending on the phase of the response (arrival, medium-term stay, long-term solutions). A cooperative approach will maximize the different capacities and expertise available among the various States and other partners involved. However, it also requires that the perspectives of all partners be taken into account, whether these perspectives are overlapping and complementary or divergent. The examples outlined in this Chapter provide some indication of ways in which this can be achieved.

Operationalizing cooperation among key partners: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Identify key partners/stakeholders at national, regional and international levels to participate in a collaborative response.
- Raise awareness of specific needs, human rights and refugee protection issues, and highlight gaps for appropriate intervention.
- Encourage a multi-agency approach, and respect institutional differences, including mandates and perspectives, cultures, approaches, operating parameters and priorities.
- Create a platform for dialogue and information exchange, ensure transparent decision making and engage in effective networking after meetings.
- Promote the creation of national and regional coordination structures, including cross-border cooperation, involving all relevant partners/stakeholders, as well as civil society and academia.
- Include asylum-migration issues on the national agenda of governments, UN Country Teams and UN Development Assistance Framework (UNDAF), develop recommendations for action plans and mobilize donor support.
- Divide responsibilities according to mandates and expertise of each partner, taking into account available capacity and resources. Adequate leadership and accountability assists to ensure that the collaborative approach is consistent, systematic and predictable.
- Coordinate national, regional and transnational initiatives, and establish communication channels at both working and policy levels.
- Ensure consistency in responses as well as flexibility in order to adapt to changing realities.
- Review the effectiveness of interventions and highlight lessons learnt.

Support UNHCR can provide to partners

- Provide partners with protection expertise and training.
- Participate, on various levels, in burden-sharing and cooperation agreements.
- Promote and coordinate dialogue among relevant actors.
- Serve as a partner in initiatives or projects involving refugee protection, access to asylum and durable solutions.
- Provide technical assistance to develop comprehensive, cooperative and protection-sensitive responses to mixed movements.
- Enhance use of the 10-Point Plan as a strategic tool for advocacy, government liaison and cooperation.
- Encourage State commitment based on the principles of international solidarity and burden sharing to assist host countries experiencing large numbers of mixed arrivals or frequent influx of asylum-seekers.

1.1. Cooperation at the national level

Cooperation between partners at the national level provides the foundation for an effective, comprehensive and protection-sensitive response to mixed movements in a particular State. Core partners usually include local and national government, local offices of relevant international organizations and NGOs, with support from States and other stakeholders from within and outside the region as appropriate. Cooperation can be aimed at developing capacity in a particular country to improve responses to mixed movements in general, or with regard to a particular element or phase of the response, such as reception and processing arrangements.

MAURITANIA: REINFORCEMENT OF NATIONAL CAPACITIES TO MANAGE MIXED MIGRATION MOVEMENTS 2008 – 2009 (TO BE RE-SUBMITTED FOR 24-MONTH FUNDING IN 2010)

A. Background and Rationale

The first phase of Reinforcement of National Capacities to Manage Mixed Migration Movements ("the Project") was implemented in 2008 and 2009. The Project addressed mixed movements from and through Mauritania to the Canary Islands.

The objectives of the Project were to:

- 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; and
- enhance institutional management capacities in the field of migration and implementation of refugee law through national asylum and eligibility procedures, clarification of responsibilities, enhanced coordination mechanisms, and easier access to relevant information.

The second phase of the Project was submitted to the EC for funding, and follow-up activities will be implemented over a period of 24 months. In addition to the above objectives, the second phase of the Project includes a fourth objective to:

- support the self-reliance of refugees as a means to strengthen protection, reduce the risk of irregular secondary movements and facilitate the identification of the most appropriate durable solutions.

B. Actors

The first phase of the Project involved collaboration among several agencies:

- EC;
- Fondation Internationale et pour l'Ibero Amérique d'administration et politiques publiques (FIIAPP) (The International and Ibero-American Foundation of Public Administration and Policies);
- IOM;
- local implementing partners (namely the Mauritanian Red Crescent, Spanish Red Cross and French International Technical Cooperation Police Service); and
- UNHCR.

The second phase of the Project will involve UNHCR and its partners:

- The Ministry of Interior and Decentralization, Mauritania (MIDEC); and
- Association pour la Lutte contre la Pauvreté et pour le Développement (ALPD).

C. Actions

Activities implemented under the first phase of the Project aimed at reinforcing the national asylum capacity and emergency humanitarian response to meet the needs of refugees, asylum-seekers and migrants.

FIIAPP, in collaboration with the Spanish Red Cross and the Mauritanian Red Crescent:

- managed humanitarian assistance for residents in the Nouadhibou reception centre;
- provided training to Mauritanian authorities at temporary reception centres; and
- conducted capacity building for the Mauritanian authorities in border surveillance.

UNHCR, in cooperation with NGOs:

- provided assistance to refugees;
- promoted a better understanding of mixed movements in Mauritania;
- reinforced national asylum procedures and supported the Migration/Protection Unit in the Ministry of Interior;
- prepared legal studies to support the review process of Mauritania's migration and asylum legislation;
- organized regional training workshops on asylum and refugee law; and
- supported the Working Group on Migration Flows in Nouakchott.

IOM, in cooperation with the Mauritanian Red Crescent:

- provided assistance for the voluntary return of irregular migrants with specific needs in Mauritania;
- provided technical assistance to better equip several border posts to manage entry and departure from national territory (in coordination with the French International Technical Cooperation Police Service); and
- conducted study visits and training courses in document fraud, biometrics, and management of border posts.

During the second phase of the project, UNHCR aims to extend the activities mentioned above for an additional 24 months. An additional objective is to:

- assist refugees, particularly those with specific needs, while encouraging self-reliance to decrease dependence on humanitarian assistance.

D. Review

The project promotes cooperation between UNHCR, the Mauritanian authorities, NGOs and other civil society organizations. The better coordination of responses has helped to resolve situations of risk faced by migrants, asylum-seekers and refugees. A national migration strategy was developed in 2009 for submission to the Mauritanian Council of Ministers, and UNHCR commented on the draft of law on Aliens and Asylum under discussion at the Parliamentary session of May 2010. The project also built on previous activities on mixed movements in the country such as the *"Groupe d'Etude des Flux Migratoires"* (GEFM), which was set up by the Ministry of Interior in 2005 and involved interested diplomatic missions, relevant ministerial departments, UN agencies and IOM.[1]

Cooperation between UNHCR, IOM, and FIIAPP was enhanced during the first phase of the project. In the second phase of the project, UNHCR will develop further strategies to enhance asylum, protection and durable solutions, complementing the work of the new Inter-ministerial Committee on Migration established by IOM in cooperation with the Mauritanian Government and funded separately by the EC.

MOROCCO: UN THEME GROUP ON MIGRATION 2007 – 2011

A. Background and Rationale

Thematic groups within the UN Country Team in Morocco contribute to the implementation of the UN Development Assistance Framework (UNDAF). The thematic groups serve as fora for information exchange and analysis, development of common strategic frameworks, and promotion of joint action by UN agencies to enhance national policies, programmes and capacities.

Among the thematic groups is the UN Theme Group on Migration, which supports the Moroccan authorities and civil society in developing policies and strategies in order to better address mixed migratory movements in accordance with the UNDAF 2007-2011.

The Theme Group on Migration has five main objectives:

- support the Moroccan authorities in developing and implementing migration policy;
- promote respect for the rights of migrants, refugees and asylum-seekers, and improve their living conditions;
- contribute to improved management of regular migration;
- develop socio-economic alternatives to irregular migration, reinforcing the linkages between migration and development, including assisted voluntary return (AVR); and
- contribute to the fight against migrant smuggling and trafficking in human beings.

B. Actors

- Food and Agriculture Organization (FAO);
- ILO;
- IOM;

1 Although the GEFM has not met since 2006, two of its Thematic Working Groups were recently reactivated.

- Joint UN Programme on HIV/AIDS (UNAIDS);
- UNDP;
- UN Educational, Scientific and Cultural Organisation (UNESCO);
- UN Population Fund (UNFPA);
- UNICEF;
- UN Industrial Development Organisation (UNIDO);
- UNIFEM; and
- UNHCR.

C. Actions

- Adopt a common strategic framework on migration to address the protection and/or assistance needs of migrants, refugees and asylum-seekers in Morocco, in support of efforts by national authorities to develop comprehensive strategies for managing mixed migratory flows;
- conduct bi-monthly meetings to ensure follow-up and coordination in implementing a common strategic framework;
- coordinate with donors on the identification and implementation of migration and asylum-related projects;
- establish working groups for the exchange of information, analysis and good practices;
- participate in conferences, seminars and academic exchanges;
- support the implementation of research projects as well as data collection and analysis;
- participate in joint UN programmes (e.g. Gender Programme for Empowering Women to Reduce Sexual and Sexist Violence under the Millennium Development Goals);
- coordinate the EU-UN Joint Initiative on Migration and Development (e.g. capacity building of NGOs to address the protection and assistance needs of refugees and migrants), which consists of 16 target countries including Morocco;
- provide practical assistance to support women and minors with specific needs, facilitate the voluntary return of irregular migrants and rejected asylum-seekers to countries of origin, increase public awareness about the plight of refugees and migrants, and develop research on related issues (e.g. human trafficking); and
- provide assistance to governmental and non-governmental national partners to implement activities relating to the UN Theme Group's mandate.

D. Review

The UN Theme Group developed the common strategic framework on migration in September 2007 to address the challenges faced by Morocco as a country of emigration, transit and destination. The framework promotes comprehensive migration management strategies and includes a number of elements related to UNHCR's 10-Point Plan. The framework has been the subject of extensive bilateral discussions with institutional partners and civil society organizations, resulting in the implementation of a number of migration and asylum-related projects, including within the framework of the EC-UN Joint Migration and Development Initiative.

The Government, however, has not yet adopted a comprehensive, protection-sensitive policy framework for managing mixed movements. With IOM in the lead, a study, co-signed by the Ministry of Justice, was issued in August 2009 on the transnational dimensions of human trafficking in Morocco. This included a number of recommendations to reinforce the legislative, institutional and operational framework of the response to human trafficking in Morocco, with due attention to protection concerns.

The UN Theme Group could benefit from the participation of government representatives in working group sessions and the establishment of technical working groups to strengthen inter-agency cooperation. The challenge for the UN, and the UN Theme Group in particular, is to ensure that the development of a comprehensive migration policy is placed on the national agenda, and to support various stakeholders in their efforts to implement such an agenda.

E. Further information

Annex 1 – "Groupe Thématique Migrations, Cadre stratégique", September 2007

Annex 2 – UNDAF Framework 2007-2011 for Morocco

Annex 3 – Traite transnationale des personnes – Etat des lieux et analyse des réponses au Maroc, Ministère de la Justice et IOM, August 2009

SOMALIA: MIXED MIGRATION TASK FORCE 2007 – PRESENT

A. Background and Rationale

In April 2007, several UN agencies, IOM, and NGOs formed a Mixed Migration Task Force (MMTF) in Somalia under the auspices of the Protection Cluster of the Inter-Agency Standing Committee (IASC),[2] with UNHCR and IOM acting as co-chairs. Providing a forum for country-level policy setting and information exchange, the purpose of the MMTF 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, IDPs 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 movements to Somalia;
- engage in advocacy and capacity-building efforts at the national level; and
- promote regional coordination.

B. Actors

- Danish Refugee Council (DRC);
- ICRC;
- IOM;
- Norwegian Refugee Council (NRC);
- UNICEF;
- UNDP;
- UNHCR;
- UNOCHA;

2 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.

- OHCHR;
- UN Office on Drugs and Crime (UNODC); and
- WFP.

C. Actions

- Prepare a background paper on mixed movements through Somalia and the Gulf of Aden,[3] and organize a regional conference on mixed movements in the Gulf of Aden in 2008;[4]
- develop regular joint information sheets and joint donor briefings, and submit project proposals;
- establish a mechanism for intra-regional information exchange;
- establish an emergency response team in Bossasso to facilitate immediate response to emergency cases and provide emergency support;
- provide training on international refugee protection, monitoring, reporting and response to MMTF members and protection partners;
- establish a Migration Response Centre in Puntland to collect and analyse migration data and reduce irregular migration through information sharing and referral services to actual and potential migrants;
- launch a radio campaign to prevent mixed migratory movements through Somalia, targeting migrants, refugees and host communities (further discussed in Chapter 10); and
- appoint a Mixed Migration Coordinator in 2010 to proactively coordinate the activities of the MMTF at the local level, liaise with the Nairobi Mixed Migration Task Force, assume responsibility for the collection, consolidation and analysis of mixed migration data, assist local MMTF members to develop new proposals and funding strategies, and act as a liaison focal point between the MMTF and the Puntland government-operated Migration Response Centre.

D. Review

The MMTF model has been replicated in Yemen, and regular exchanges have been established between both task forces. The MMTF has improved information sharing and inter-agency coordination and also enabled the development of joint strategies to address mixed movements in Somalia. The consolidated efforts between partners to manage mixed movements resulted in the launch of the Migration Response Centre in Puntland in April 2009. 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.

3 See 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.

4 The "Regional Conference on Refugee Protection and International Migration in the Gulf of Aden" was held on May 19-20, 2008 in Sana'a, Yemen. The Conference documents are available at: http://www.unhcr.org/4a252c786.html.

In July 2009, the MMTF commissioned the Centre for Migration and Refugee Studies (CMRS) of the American University in Cairo (AUC) to produce a Regional Study entitled Mixed Migration Flows: Somali and Ethiopian Migration to Yemen, Syria and Turkey.

E. Further Information

Annex 4 – IASC Somalia Protection Cluster: Mixed Migration Task Force, Terms of Reference

Tanzania: Ministerial Task Force on Irregular Migration 2008 – Present

Following the High Commissioner's Dialogue on Protection Challenges in 2007, the Minister for Home Affairs of Tanzania 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 (CSFM) and a two-year project entitled "Access to Protection in Mixed Migration Flows" (APMMF) was initiated, based on a tripartite agreement between UNHCR, the Ministry of Home Affairs and the CSFM.

The Task Force incorporates elements of the 10-Point Plan and seeks to address refugee protection and mixed movements in Tanzania. Some recommendations from the Task Force's reports were taken up by the Government of Tanzania, and some undocumented new arrivals were released from detention centres. Border officials reacted positively to trainings.

Annex 5 – The Ministerial Task Force on Irregular Migration: Report on the situation of irregular migration in Tanzania, Dar es Salaam, April 2008

Annex 6 – Information Note: Access to Protection in Mixed Migration Flows (APMMF)

1.2. Cooperation at the regional level

The development of effective regional responses to mixed movements relies on regional cooperation based on the principles of international solidarity and burden sharing. Regional cooperation can be developed through multilateral forums for dialogue, information sharing and policy development, as well as burden-sharing arrangements. Regional cooperation should be complementary to, and not a substitute for, national efforts to address mixed movements and protect and find durable solutions for refugees and other persons in need of international protection. Effective regional policies and strategies include negotiated political consensus among concerned countries and the development of a well-defined and coordinated plan of action. They may also draw on support from countries from outside the region to ensure, for example, political momentum and adequate funding.

1.2.1. Americas

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

A. Background and Rationale

The Regional Conference on Migration (Puebla Process) (RCM) is a multilateral forum for the exchange of experiences and development of regional policies to address mixed movements. It also focuses on the link between development and migration, and the human rights of migrants and refugees. The RCM has generated a number of technical assistance projects that are being operationalized.

B. Actors

- Member States (namely Belize, Canada, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the USA);
- Observer States (namely Argentina, Colombia, Ecuador, Jamaica, and Peru);
- International Organizations with Observer Status (namely the Inter-American Commission on Human Rights, IOM, UN Economic Commission for Latin America and the Caribbean, Latin American Demographic Centre, Central American Integration System (SICA), the UN Special Rapporteur on the Human Rights of Migrants, UN Population Fund (UNFPA), and UNHCR); and
- 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 Conference on Migration 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 programme for border, migration and consular officials, in cooperation with the Governments of Canada, the USA, and Mexico;

- a seminar on migration legislation was organized jointly by UNHCR and IOM in February 2007; and
- 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 has generated a greater awareness of mixed movements in North and Central America and of the importance of identifying and distinguishing refugees and other persons in need of international protection from migrants. RNCOM meets in parallel with the RCM and is recognized as the official interlocutor between civil society organizations and the RCM. It has evolved into a proactive coalition with its own regional human rights agenda. The open dialogue and cooperation with the RCM is seen as a model to be replicated in other migration fora.

E. Further Information

Available on RCM's official website: http://www.rcmvs.org/ (in English).

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

THE MEXICO PLAN OF ACTION FOR LATIN AMERICAN COUNTRIES 2004 – PRESENT

A. Background and Rationale

The Mexico Plan of Action for Latin American Countries ("the Mexico Plan of Action") was adopted in 2004 to promote concrete actions for the protection of primarily Colombian refugees, IDPs, and other migrants in Latin America. The Mexico 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 civil society, and academia; and
- UNHCR.

C. Actions

The protection component of the Mexico Plan of Action focuses on reinforcing the legal and operational framework for the protection of refugees and IDPs in the region, including through the following measures:

- adopt and revise refugee legislation and amendments to migration legislation;
- establish public policies and indicators on the treatment of IDPs in Colombia;
- recognize different protection needs based on age, gender, and diversity;
- reinforce national commissions for the determination of refugee status by providing funding and building capacity;

- reinforce national and regional protection networks, such as the Ombudsman's Offices and civil society organizations that work in the field of human rights, forced displacement and migration;
- provide legal counselling to asylum-seekers, refugees and IDPs; and
- promote and provide training in 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 RSD procedures, registration and documentation, community mobilization projects and income-generating projects for refugees, IDPs, and host communities; and
- 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 its common goals.

Effective implementation is challenging, however, due to a lack of financial resources. Furthermore, the political commitment and the momentum to implement the Mexico Plan of Action have been altered by changes of government in a number of Latin American countries.

E. Further Information

Annex 7 – Mexico Declaration and Plan of Action of November 2004

Annex 7bis – Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas, November 2010

1.2.2. Asia and Pacific

ASIA PACIFIC REFUGEE RIGHTS NETWORK 2008 – PRESENT

A. Background and Rationale

The Asia Pacific Refugee Rights Network (APRRN) was established in 2008 to create a platform for information sharing, capacity building and joint advocacy amongst NGOs and individuals committed to advocate for the rights of refugees. APRRN adopts a rights-based approach and aims to increase the refugee protection space in the Asia Pacific region.

B. Actors

- Asian Forum for Human Rights and Development (FORUM-ASIA);
- NGOs, including legal aid organizations, service providers, human rights advocacy groups, refugee community-based organizations, and research institutions; and
- interested individuals.

C. Actions

- Develop joint action plans through four geographical working groups (South Asia, South-east Asia, East Asia, and Australia and the Pacific) and five thematic working groups (Immigration Detention, Legal Aid and Advocacy, Women and Girls at Risk, the Right to Health and International Advocacy);
- advocate for changes in legislation, policies and administrative practices in the Asia Pacific region in order to strengthen the rights of refugees, stateless persons and forcibly displaced persons in accordance with international law;
- organize annual consultations and sub-regional symposiums on refugee protection and facilitate multilateral and bilateral collaborations between members;
- facilitate the participation of APRRN members in regional and international forums, such as the UNHCR Annual Consultations with NGOs and the High Commissioner's Dialogue;
- facilitate civil society dialogues with UNHCR and governments in the Asia Pacific region on key issues, such as alternatives to detention and the 10-Point Plan;
- publish joint statements on abuses experienced by refugees and call upon governments to allow UNHCR to have access to refugees; and
- draft recommendations to the international community, and promote the development of regional solutions for the protection of refugees.

D. Review

APRRN builds on the solidarity amongst civil society actors to advocate for the rights of refugees in the Asia Pacific region. In consultation with UNHCR, APRRN is considering to use the 10-Point Plan as an advocacy tool for the development of a cooperative framework to address mixed movements in the region. The absence of legislative frameworks and the lack of awareness of refugee rights are key challenges. APRRN members advocate for their governments to strengthen refugee protection, and recently requested the newly established ASEAN Intergovernmental Commission on Human Rights to include refugee protection in the scope of its work.

E. Further Information

Available at: http://refugeerightsasiapacific.org.

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

A. Background and Rationale

The Intergovernmental 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 movements. The APC are coordinated on a rotating basis by the various countries in the region, with the chair appointed for a one-year, renewable term.

B. Actors

- All countries in the Asia-Pacific region;
- IOM; and
- UNHCR.

C. Actions

- The APC are organized at plenary, sub-regional and working-group levels. Plenary meetings are held once a year and are intended as a platform for selecting the themes to be discussed during the calendar year. Sub-regional meetings and working groups convene on a regular basis to discuss more 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 in the APC 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 responses, 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 movements in the Asia Pacific region. One of the main challenges posed by regional cooperation efforts that involve 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. Given the large size of this forum, strong chairmanship is important to ensure that all discussions result in action.

E. Further Information

Available at: www.apcprocess.net.

UNHCR PACIFIC PROJECT: BUILDING PROTECTION CAPACITY IN THE PACIFIC REGION 2008 – 2010

A. Background and Rationale

The UNHCR Pacific Project is based on the 10-Point Plan. Its objective is to build the protection capacity of 13 Pacific Island Countries (PICs), to create a protection space for refugees travelling within mixed movements and to assist the PICs to develop legal frameworks for refugee issues.

UNHCR uses a combination of tools in working with PICs. These include: promoting leadership and good practices by PICs that already have substantial experience in protecting refugees; exploring links between regional and sub-regional initiatives; and examining refugee protection in relation to the histories of each PIC and the knowledge of mixed movements in each respective region (particularly forced displacement as a result of natural disasters and climate change and, increasingly, principles of protection for persons with specific needs).

B. Actors

- Thirteen Pacific Island Countries (namely Federal States of Micronesia (FSM), Fiji, Cook Islands, Kiribati, Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu);
- partners (namely the Department of Immigration And Citizenship (DIAC), Australia, Pacific Immigration Directors Conference (PIDC), Pacific Islands Forum Secretariat (PIFS), Pacific Protection Cluster (PPC), IOM, Immigration New Zealand (INZ), OHCHR and UNDP); and
- UNHCR.

C. Actions

- Promote international standards and best practices through high-level dialogues and coordination meetings at the regional level, as well as awareness-raising workshops, presentations, policies and legislative consultations;
- provide technical advice on the implementation the 1951 Convention and the RSD process, including in the context of mixed movements;
- design and implement training programmes to improve awareness on refugee protection issues;
- work in close coordination with the PICs to identify and undertake processing of asylum-seekers, determine their need for refugee protection and explore durable solutions in host States and resettlement countries;
- create a network of contacts by engaging key organizations at the regional level including, inter alia, IOM, the PIDC, the PIFS, the PPC and the South Pacific Regional Environment Program (SPREP);
- provide operational guidance to assist States with individual case management and to facilitate cooperation with key actors;
- implement a 24/7 hotline to encourage dialogue on protection-related issues and to provide real-time UNHCR assistance to the PICs;

- encourage the utilization of regional mechanisms on migration and bilateral consultations on protection-related issues, including emergency and disaster scenarios, as well as climate induced migration;
- facilitate communication with national authorities at all working levels;
- assist the PICs to incorporate protection considerations into emergency coordination, disaster management, disaster relief, recovery and reconstruction, forced displacement and post-disaster monitoring, and assist in managing the impacts of climate change, border control and safety and security-related activities;
- engage with the PICs to provide technical cooperation and tailor-made support to persons in need of international assistance consistent with UNHCR's Strategy for the Pacific; and
- comment on draft immigration legislation and review immigration policies and border management systems.

D. Review

The UNHCR strategy for the Pacific assists PICs through targeted capacity-building activities and technical support, consistent with their size and available resources. Awareness-raising activities and training programmes have resulted in the review of immigration policies and the development of draft domestic legislation that includes international refugee law in a number of countries. PICs increasingly acknowledge the importance of humanitarian obligations both as a component of good governance and an element of sound border and migration management. Temporary protection has been provided to asylum-seekers in Palau, Vanuatu, Tonga and Fiji, and a number of PICs are taking other positive steps toward implementing refugee-protection strategies. The 24/7 hotline has assisted in identifying and managing individual asylum cases and acted as a platform for discussion between governments, UNHCR and other partners on wider immigration issues, leading to better cooperation and coordination between these stakeholders. Discussion at the regional level has also been enhanced. The PIDC, for example, now prioritizes refugee and asylum issues in addition to its core functions of immigration and border management.

The geographical spread of the Pacific region remains a challenge, making the mobilization of States and stakeholders (e.g. through common activities such as workshops, training and focus group seminars) resource intensive.

1.2.3. Europe

CROSS-BORDER COOPERATION PROCESS ("SÖDERKÖPING PROCESS") 2001 – PRESENT

A. Background and Rationale

The Cross-Border Cooperation Process ("Söderköping Process") was established in 2001 as a proactive initiative to respond to challenges posed by the EU's enlargement and to promote better cooperation on asylum, migration and border-related issues among countries situated along the EU Eastern Border.

B. Actors

- Ten countries situated along the enlarged EU Eastern Border (Belarus, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia and Ukraine);
- EC;
- IOM;
- NGO partners;
- Swedish Migration Board (SMB); and
- UNHCR.

C. Actions

- The Söderköping Process focuses on: border security and management; capacity building on asylum and migration management; international refugee and human rights law; information sharing on neighbouring country legislation and structures; the rights of asylum-seekers, refugees and migrants; irregular migration; trafficking (adopting and harmonizing legal standards); and awareness raising on the reality of the new borders.
- National coordinators have been appointed in each member country and are responsible for coordinating information sharing, participating in training events and organizing research and thematic workshops on topics such as judicial practice in the field of migration and durable solutions for refugees.
- Senior-level Review Meetings provide an overview of the legislative and administrative developments in the field of asylum, migration and border management in the 10 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 and set priorities for the Process.
- The governments involved in the Söderköping Process agreed to carry out a feasibility study, which commenced in March 2010, to assess the cost and benefit of applying various modules of the European Asylum Curriculum in Belarus, Moldova and Ukraine.

D. Review

The Söderköping Process has facilitated cooperation among new EU Member States, candidate countries and the Western Newly Independent States (NIS) to address asylum, migration and border management. It has also created a platform for legislative support, network facilitation and regional harmonization. To ensure responsibility sharing and active participation of countries, the Söderköping Process was transformed into a government-led initiative during the period of 2009-2010.

E. Further Information

Available at: www.soderkoping.org.ua.

EC-UN JOINT MIGRATION AND DEVELOPMENT INITIATIVE (JMDI) 2008 – 2011

A. Background and Rationale

The EC-UN Joint Migration and Development Initiative (JMDI), launched in 2008, aims to promote the potential positive impact of migration for development in countries of origin, transit and destination by using an innovative "bottom-up" approach to support the capacity building of local authorities and civil society and to enhance the protection of migrants and refugees.

B. Actors

- Consortia of non-State actors linking host, transit and sending countries, each consortium includes a partner based in the EU and one in either of the 16 target countries (Algeria, Cape Verde, Ecuador, Egypt, Ethiopia, Georgia, Ghana, Jamaica, Mali, Morocco, Moldova, Nigeria, Senegal, Sri Lanka, Tunisia, and the Philippines);
- EC;
- International Centre for Migration Policy Development (ICMPD);
- ILO;
- IOM;
- UNDP;
- UNHCR; and
- UN Population Fund (UNFPA).

C. Actions

- Foster networking and enhance cooperation between actors at the local level;
- reinforce the role of civil society to enable it to better inform good practices and shape policies;
- support capacity-building initiatives covering four themes (capacities of migrants as a valuable resource for growth, development and poverty alleviation in countries of origin, communities of migrants including diasporas, men, women, asylum-seekers, refugees, and related organizations in countries of origin and destination, remittances to channel resources of diasporas, and the rights of migrants in countries of origin prior to departure and in countries of destination upon arrival);
- establish a Migrant Advisory Board, comprised of six experts with recognized academic and practical expertise in the field of migration and development to provide substantive advice to the JMDI and technical support to successful applicants for capacity project funding;
- develop a Local Authorities Network to respond to local needs and priorities and to engage in the global debate on migration and development;
- create a web-based Migration for Development (M4D) Knowledge Management Platform providing an open global forum to share news, exchange information and collate documentation on existing migration and development initiatives;
- organize interventions and dialogue through Annual Stakeholder Fairs and online roundtables, including M4D Virtual and M4D TV; and
- identify and disseminate good practices and contribute to policy-making.

D. Review

The JMDI demonstrates the importance of inter-agency collaboration in gathering the necessary funds and technical support to increase the institutional knowledge, expertise and networking of local actors. Community-based projects contribute to development strategies in countries of origin, transit and destination and are an essential tool for empowering migrants and refugees to become self-sufficient in countries of destination. Projects which have received funding include, inter alia, community development projects and projects that facilitate migrant and refugee self-sufficiency.

E. Further Information

Available at: http://www.migration4development.org/.

1.2.4. Gulf of Aden

REGIONAL CONFERENCE ON REFUGEE PROTECTION AND INTERNATIONAL MIGRATION FROM AFRICA TO THE GULF OF ADEN 2008

A. Background and Rationale

In May 2008, UNHCR in cooperation with the Mixed Migration Task Force Somalia (as outlined in the example earlier in this Chapter) convened a regional stakeholder conference on refugee protection and international migration in Sana'a, Yemen. The objective of the Conference was to discuss the challenges of mixed movements from Africa to the Gulf of Aden and to gather support for the establishment of a regional Plan of Action on Refugee Protection and Mixed Migration in the Gulf of Aden region, based on the 10-Point Plan.

B. Actors

- 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);
- regional organizations, including the African Union (AU);
- international organizations;
- local and international NGOs; and
- donors (EC, France, Germany, Italy, Netherlands, Spain, Japan, USA).

C. Actions

Discussions focused, inter alia, on 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 consider the application of the 10-Point Plan in the region. The recommendations that emerged from these sessions included the following:

- Establish inter-ministerial committees at the national level to ensure cooperation within governments;

- create consultative fora and adopt strategies at the national and regional levels; and
- build on and coordinate the pre-existing regional consultative process on migration.

D. Review

The Conference provided a unique opportunity to discuss the challenges posed by mixed movements 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 movements and identified some gaps where action is required by key partners. These findings have been used for the development of a regional Plan of Action.

UNHCR and IOM, together with partners, convened similar regional conferences in Dakar, Senegal in November 2008, in San José, Costa Rica in November 2009, and in Dar es Salaam in September 2010, to address the particular protection challenges and opportunities in these regions. A fifth conference of this series is scheduled to take place in March 2011 in Central Asia.

E. Further Information

Annex 8 – Concept note of the Regional Conference in the Gulf of Aden. The Conference report and all conference materials are available at: http://www.unhcr.org/4a252c786.html.

See also the conference material for the Regional Conference in West Africa, available at: http://www.unhcr.org/4a27be466.html; and for the Regional Conference in the Americas, available at: http://www.unhcr.org/4bfbe2ad9.html.

Additional Examples of Regional Cooperation

Regional consultative processes (RCPs) play a particularly useful role in facilitating dialogue amongst key partners at the regional level. Although generally non-binding and informal in nature, they are important fora for exchanging information, addressing issues of mutual concern, identifying priorities, and developing coordinated responses. Even though the results may not always be measurable in absolute terms, the consultative processes lay the groundwork for developing common policies and strategies, complement bilateral approaches, and facilitate open cooperation and exchange on sensitive issues that could lead to concrete results.

The Bali Process is a regional consultative process among States in the Asia-Pacific region that focuses on combating smuggling, trafficking in persons and related transnational crimes.

See: www.baliprocess.net.

The Budapest Process, which started in 1993, includes EU Member States, countries from the wider European region and international organizations. It aims to develop cooperative strategies on migration based on common principles.

See: http://www.icmpd.org.

The Western Mediterranean Migration Dialogue ("5+5 Dialogue") is an informal dialogue among countries bordering the northern and southern shores of the Western Mediterranean region on the complexities of migration in the Mediterranean.

See: www.5plus5.tn.

Further information on other examples of Regional Consultative Processes:

Annex 9 – IOM, Overview of Principal Regional Consultative Processes on Migration, 2009 (last update)

Annex 10 – IOM Assessment of Principal Regional Consultative Processes on Migration, 2010

The 10-Point Plan Implementation Matrix

The 10-Point Plan Implementation Matrix is a template which has been developed by UNHCR to assist Offices to:

- take stock of existing developments at the national and regional levels and outline projects/initiatives on the various points of the 10-Point Plan;
- act as a strategic planning tool for the creation of better responses to, and development of, regional strategies on mixed movements; and
- provide an overview of the country-specific situation, highlight good practices, and give a step-by-step guide on the main activities to be carried out by key actors, including UNHCR.

For further details, see:
Annex 11 – 10-Point Plan National Matrix

1.3. Cooperation at the global level

Cooperation at the international level provides an opportunity to bring together many different actors, including from the national and regional levels, to develop comprehensive and coordinated responses to mixed movements. This may include the development of common principles or guidelines, or the sharing of various experiences and challenges facing different countries and regions. In appropriate circumstances, international solidarity and burden sharing between States on the international level may be necessary to address specific mixed movement situations that affect a particular region as part of a comprehensive approach.

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 following an International Symposium on Migration (entitled "Berne I"). A second International Symposium on Migration was organized in 2004 (entitled "Berne II"). The initiative aimed to enhance cooperation for managing migration at the national, regional and global levels. It allowed governments and interested stakeholders to share their priorities and identify common goals based on the notions of cooperation, mutual understanding, partnership, comprehensiveness, balance and predictability.

B. Actors

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

C. Actions

- Berne I established common goals and interests for all participating States. Its broad consultations led to the development of a framework of guiding principles for effective practices in managing migration.
- 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 migration.[5]
- 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 persons 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 focused on inter-State cooperation on migration and further elaborated the scope of the IAMM.

5 The four regional consultations are as follows: the Intergovernmental Consultations on Asylum, Refugee and Migration Policies; the Budapest Process; the Puebla Process on Migration; and the Migration Dialogue for Southern Africa (MIDSA).

D. Review

The Berne Initiative demonstrates the advantages of comparing policy frameworks on migration-related issues among participating States. As countries of origin, transit and destination, States recognized that it is possible to identify common interests and perspectives on migration while retaining distinct national priorities.

The IAMM is a valuable resource for policy makers in addressing the challenges of international migration. It has been used as an evaluation tool to review and develop national migration policies and as a training and capacity-building tool for government practitioners. It has also served as an instrument to facilitate inter-agency cooperation at the national level and provided a basis for inter-State cooperation on international migration.

E. Further Information

Further information on the IAMM Initiative, the regional consultations and other workshops organized as a result, is available at the Government of Switzerland's website at: www.bfm.admin.ch.

COMPREHENSIVE PLAN OF ACTION FOR INDO-CHINESE REFUGEES 1988 – 1997

A. Background and Rationale

The Indo-Chinese Comprehensive Plan of Action (CPA) was based on the principles of cooperation, solidarity and responsibility-sharing between countries of origin, countries of first asylum and resettlement countries. It was developed as a mechanism to address the large influx of Vietnamese Boat People in South-east Asia.

The objectives of the CPA included to:

- develop an Orderly Departure Programme to prevent clandestine departures from Vietnam;
- guarantee temporary asylum by countries of first asylum in the region;
- facilitate reception and individual status determination (screening) for all new arrivals in the region;
- organize resettlement to third countries for recognized refugees; and
- facilitate the return of non-refugees to their countries of origin.

The CPA provided an international framework to manage a large influx of mixed flows and to find durable solutions for recognized refugees, as well as appropiate outcomes for persons who are not refugees in accordance with international standards.

B. Actors

- IOM;
- representatives of 75 States, including countries of origin, countries of destination and resettlement countries; and
- UNHCR.

C. Actions

- Implement regular departure procedures and migration programmes under the Orderly Departure Programme to prevent clandestine departures and irregular movements from Vietnam;
- conduct mass media campaigns, and facilitate consultations between countries of origin and countries of destination;
- raise awareness of the dangers of irregular movement through mass information campaigns targeted at persons travelling within mixed flows;
- negotiate the granting of temporary asylum and individual RSD (screening) for all new arrivals in countries of first asylum in the region;
- negotiate readmission agreements, and promote partnerships between countries in the region;
- facilitate the conclusion of a MOU between UNHCR and Vietnam on the repatriation of persons found not to be in need of international protection;
- encourage voluntary repatriation of persons found not to be in need of international protection, and implement orderly returns;
- screen and identify unaccompanied/separated children, and conduct pre-return assessments and post-return monitoring, including home visits;
- organize and facilitate resettlement in third countries for recognized refugees; and
- mobilize political support for development initiatives and reintegration activities in Vietnam, including the monitoring of reintegration activities.

D. Review

The CPA was the first international process to provide comprehensive outcomes for persons travelling within mixed flows. It was also one of the first examples where the country of origin became a key player in negotiations. With the support of UNHCR, the CPA increased access to international protection and provided resettlement as a durable solution for recognized refugees. The Orderly Departure Programme promoted regular migration as an alternative to irregular departures from Vietnam. The involvement of UNHCR and IOM in the return of rejected asylum-seekers and post-return monitoring was integral to the achievement of the objectives of the CPA.

The CPA was not, however, without complications. The CPA was one of UNHCR's most labour-intensive operations. This was compounded by the challenge of transposing refugee concepts (e.g. voluntariness of return) to non-refugee situations which, in turn, resulted in unnecessary and prolonged delays. Moreover, there were instances of non-voluntary return challenging UNHCR's humanitarian mandate. Notwithstanding the challenges, the CPA demonstrated that active involvement of actors at all stages in the displacement cycle can contribute to the protection of refugees and the integrity of the asylum process.

E. Further Information

Annex 12 – UN General Assembly, Declaration and Comprehensive Plan of Action of the International Conference on Indo-Chinese Refugees. Report of the Secretary-General, A/44/523, 22 September 1989

See also Towle, R. "Processes and Critiques of the Indo-Chinese Comprehensive Plan of Action: An Instrument of International Burden-Sharing?", *International Journal of Refugee Law*, Vol. 18, 2006, p. 537.

Additional Examples of Global Cooperation on Migration

- **Global Migration Group**
  (www.un.int/iom/GMG.html)
- **Global Forum for Migration and Development**
  (http://www.gfmd-fmmd.org/)
- **UNHCR High Level Dialogue in 2007**
  (http://www.unhcr.org/pages/4a12a6286.html)
- **IOM Dialogue on International Migration**
  (http://www.iom.int/jahia/Jahia/policy-research/international-dialogue-migration/lang/en)

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Data collection and analysis

CHAPTER 2

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Introduction

Data collection and analysis is essential to understand and develop appropriate responses to mixed movements. Accurate, up-to-date data can assist to assess the scale of, and trends within, mixed movements, to establish a basic profile of persons arriving within mixed movements, to identify travel routes and means of transportation, and to design, implement and evaluate policy responses and programmatic interventions.

The collection of data on mixed movements can be challenging. Travel is often clandestine, and few governments collect data even for regular movements. Those entities that gather migration data often do so independently in order to meet their own objectives. They may use varying definitions, criteria and parameters, making it difficult to disaggregate or share data without distorted results. Collecting comparable data and establishing agreements on data collection and analysis in collaboration with different actors could address these challenges.

The quality and value of any data collection exercise is enhanced by clearly establishing the following elements in advance:

- the purpose, scope and methodology for the data collection exercise;
- relevant statistical variables and indicators [1] (e.g. age, gender, country of origin);
- data collection tools (e.g. questionnaires, surveys, participatory assessments); and
- parameters for data collection and sharing, such as the inclusion of safeguards to preserve privacy, confidentiality and security of personal information in accordance with data collection standards. [2]

Various categories of data can be relevant in order to better understand mixed movements. These categories can include:

- information about the size of mixed movements;
- the profile of individuals involved (e.g. age, gender, civil status, whether individuals are travelling alone or with family members);
- different groups involved in a mixed movement (e.g. asylum-seekers, victims of trafficking, unaccompanied/separated children, or persons from certain countries of origin);
- travel routes, modes of transport, entry and transit points, use of smugglers/facilitators;
- motivations for travel or onward movement; and
- protection challenges and possible durable solutions.

1 An indicator provides or "indicates" the prevailing circumstances at a given place at a given time or during a time interval. It is usually but not always a number or percentage that can be used to extrapolate multiple findings. For example, an indicator that tracks the number of girls in school might be used to assess the future earning potential of a population, women's literacy rates, women's rights and women's health issues.

2 Regardless of the purposes for which data is collected, data analysis is generally limited to statistical, non-personal data. If analysis of personal data is necessary, the consent of the individual concerned is necessary.

The collection of both “qualitative” and “quantitative” data can be helpful to understand the complexities of mixed movements. Qualitative data is data that is non-measurable. It captures feelings, personal experience, attitudes and intentions. It can be obtained from sources such as focus groups, interviews, narrative texts and reports. It can be useful in understanding cultural context or establishing baseline information. By contrast, quantitative data, which is numerical and measurable, allows for an objective assessment of a situation in order to compare one situation with another and to track conditions within the same situation over time. It is produced by observing and measuring things that can be counted or calculated.

The collection of “primary data” (i.e. data collected directly from individuals for a specified purpose by using methods such as interviews or questionnaires), where possible, allows for a more in-depth and comprehensive analysis. Primary data can be collected at points of departure, entry points and reception centres. For example, “profiling” exercises and the results of individual interviews undertaken during the processing of asylum claims are particularly useful (as outlined in Chapter 5). In addition, secondary data (i.e. data compiled from existing information sources and which may have been collected for other purposes) may also be available and ready for analysis.

The collection of data using a range of different methodologies (i.e. primary, secondary, qualitative and quantitative) can assist to ensure that accurate and comprehensive information is obtained about a particular mixed movement situation. However, in order for data to properly inform policy development and responses to mixed movements, it requires processing and analysis.

Operationalizing data collection and analysis: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Plan the purpose and scope of the data collection exercise, develop necessary tools and guidelines, and clearly define objectives, methodology, confidentiality and data protection safeguards before the data collection exercise commences.
- Identify the categories of data to be collected and include all components relevant to mixed movements, including refugee-related questions.
- Develop databases to systematically store data, to understand mixed movements in specific regions and to inform policy-making.
- Compile other relevant primary or secondary data, including by collating data from various institutions at the national level (e.g., population censuses, surveys, and interviews).
- Ensure that the data is accurate, relevant and up-to-date.
- Analyse data and cross-tabulate key variables to anticipate travel routes, entry and transit points, onward movements, and potential protection needs.
- Develop national and regional strategies and protection-sensitive policies, based on the quantitative and qualitative data collected, in order to address mixed movements.
- Improve communication channels between relevant stakeholders for data sharing, exchange statistical non-personal data, and establish data-sharing agreements.
- Develop mechanisms to ensure that the data collected by different stakeholders is comparable.

Support UNHCR can provide to partners

- Assist to develop data collection exercises for mixed movements, including identifying appropriate methodology.
- Train government officials and partners on methods for accurate and reliable data collection, processing and analysis, and parameters for data sharing.
- Lobby for the inclusion of refugees and other persons of concern to UNHCR in data collection and analysis.
- Provide guidance on the use of data to inform policy-making and appropriate responses to mixed movements.
- Contribute anonymous information obtained from UNHCR processes and procedures (including the ProGres Registration Database which collects, stores, updates and manages refugee data as part of an "integrated population information-management strategy") from the initial phase of displacement to the provision of durable solutions.

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

Before a data collection exercise commences, its objectives, scope, methodology and data protection safeguards need to be clearly established. Factors such as the national and regional context, as well as existing research and data on migration and refugee-related issues, will be relevant. International migration data, for example, can be used to extrapolate the number of persons in need of international protection in a given country. It can also be used to assess migratory trends and patterns. Guidance on how best to collect international migration data and how to respect the right to privacy can be found, inter alia, in the sources indicated below.

Guidance on Collecting Migration Data

The UN Recommendations on Statistics of International Migration

The UN Recommendations on Statistics of International Migration, Revision 1 (UN, New York, 1998) provide a comprehensive framework for collecting statistical data on international migration and include a set of tables on flows, stocks, and asylum statistics.

The recommendations are based on consultations with national experts and collaboration with international organizations, including the UN Department of Economic and Social Affairs (UN DESA), UNHCR, ILO, 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 are administrative sources, such as residence permits issued according to visa category, from which annual immigration-flow data can be derived.

See: http://unstats.un.org/unsd/publication/SeriesM/SeriesM_58rev1E.pdf.

The UN Principles and Recommendations for Population and Housing Censuses

The UN Principles and Recommendations for Population and Housing Censuses, Revision 2 (UN, New York, 2008) is the main guidance note on collecting migration stock (i.e. the total population of international migrants residing at a certain location on a particular date). The revised principles and recommendations were developed for the 2010 Census in order to collect a rich set of data at the country level and to produce a minimum set of standardized migration data across countries and territories. It includes the census methodology and technology to be used, confidentiality, quality assurance, metadata, evaluation of coverage and quality, field operations and data processing.

Data collected for censuses captures generic data on the de facto population. It provides the most comprehensive source of internationally comparable data on migration, and is widely used for analysing migration trends and patterns. However, censuses are only carried out once every 10 years, thereby limiting the data that can be acquired. For example, data acquired through a census does not always reflect the dynamics of mixed movements.

The principles and recommendations are available at:
http://unstats.un.org/unsd/demographic/sources/census/docs/P&R_Rev2.pdf.

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

The EC Regulation on Community statistics on migration and international protection establishes common rules for comprehensive EC statistics on immigration and on the administrative and judicial procedures relating to migration and asylum. EU Member States are required to provide Eurostat (the Statistical Office of the European Communities) with statistics on the numbers of immigrants moving to the territory of the Member State, the number of persons applying for international protection, persons covered by applications under consideration by the national authorities, unsuccessful asylum-seekers, refugee status granted, subsidiary protection and temporary protection status, unaccompanied minors, applications and transfers covered by the Dublin II Regulation, and persons selected for resettlement in the Member State.

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

See: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:199:0023:0029:EN:PDF.

Commission on International Migration Data for Development Research and Policy Report: Migrants Count – Five Steps Towards Better Migration Data

This 2009 publication followed a meeting that brought together a group of international experts from UN agencies, other international organizations, and academia for the development of practical and feasible political actions to help expand the quantity and quality of migration data available to policy makers and researchers.

The report outlines five essential recommendations to be used as a blueprint for the collection of data about international migration: ask basic census questions and make the data publicly available; compile and release existing administrative data; centralize Labour Force Surveys; provide access to micro-data, not only tabulations; and include migration modules in existing household surveys.

The five recommendations propose short-term, cost-effective steps to enhance national institutional capacity, utilize existing information sources, disseminate migration data and formulate evidence-based policies. However, the report does not address longer-term strategies needed to collect, store, analyse and disseminate migration data. Instead, it notes that the commitment should stem from governments through the development of national task forces.

Annex 1 – Commission on International Migration Data for Development Research and Policy, *Migrants Count – Five Steps Towards Better Migration Data*, Centre for Global Development, 2009

2.2. Data protection safeguards

Safeguards are necessary in data collection and data sharing in order to preserve the privacy, confidentiality and security of personal information in accordance with data collection standards. Core data protection principles are described in the sources indicated below.

Instruments Outlining Data Protection Standards

The UN Guidelines concerning Computerized Personal Data Files (adopted by the General Assembly on 14 December 1990) set out internationally accepted data protection standards for the collection, processing and sharing of personal data. The minimum guarantees that should be provided are outlined in the core data protection principles, namely: lawful and fair collection; accuracy; purpose specification; interested person access; non-discrimination; data security and parameters for the trans-border flow of data.

See: http://www.unhcr.org/refworld/publisher,UNGA,THEMGUIDE,,3ddcafaac,0.html.

The Council of Europe Convention for the Protection of Individuals with Regard to the Automatic Processing of Personal Data (Convention No. 108 in force since 1985) aims to secure and respect the rights and fundamental freedoms and, in particular, the right to privacy of all persons in the territory of the EU. It outlines, inter alia, the basic principles of data protection, provisions for sharing data across national borders and cooperation among parties.

See: http://conventions.coe.int/treaty/en/treaties/html/108.html.

The EU Directive on the Protection of Individuals with regard to the Processing of Personal Data and on the Free Movement of Such Data (Directive 95/46/EC of 24 October 1994) provides the most comprehensive set of guidelines on data protection. It aims to protect the fundamental right to privacy while outlining the necessary standards for processing personal data and the conditions for the free flow of data across borders.

See: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML.

The Organization for Economic Co-operation and Development (OECD) Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (adopted by OECD Member States on 23 September 1980) represents international consensus on the general guidance concerning the collection and management of personal data. It outlines the core data protection principles and obviates unnecessary restrictions to transborder data flows.

See: http://www.oecd.org/document/18/0,3343,en_2649_34255_1815186_1_1_1_1,00&&en-USS_01DBC.html.

2.3. Collecting data in collaboration with partners, analysing and using it for policy decisions

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

2.3.1. At the national level

SOMALIA: POPULATION MOVEMENT TRACKING INITIATIVE 2006 – PRESENT

A. Background and Rationale

The Population Movement Tracking (PMT) initiative was developed by UNHCR in Somalia in mid-2006, in response to the movement of IDPs resulting from a drought in South/Central Somalia. The PMT captures information on the movements of individual and IDP populations in a systematic manner and, for the first time, provides reliable and standardized information on IDPs across Somalia, even in areas with little or no humanitarian access. In mid-2008, the PMT was strengthened to look at issues related to mixed movements, including the final destination and expected coping mechanisms of new arrivals.

B. Actors

- Network of over 60 local human rights NGOs in Somalia;
- UN Protection Monitoring Networks; and
- UNHCR.

C. Actions

- Identify new partners from other initiatives, such as UNHCR's Protection Monitoring Network and the UNICEF Child Protection monitoring network;
- provide training on collecting and sharing information related to population movements;
- create a PMT database early in the project to improve and facilitate data entry, data analysis, and information dissemination;
- ensure standard outputs of the PMT database, namely the inclusion of weekly updates on key displacement figures in monthly PMT reports, as well as 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;
- provide regular feedback on ad hoc queries related to IDPs and mixed movements, as well as figures and patterns requested daily by those interested in the Somalia situation; and
- conduct population monitoring in order to provide verification of population movements and to confirm actual numbers (as UNHCR previously relied on figures provided by local authorities, which were not always accurate).

- In addition to the above actions, which are ongoing, in 2008, the PMT data collection form and database were enhanced to collect information on mixed movements by identifying those groups of IDPs who intended to cross an international border and to collect extra information related to their future intentions.

D. Review

The population monitoring and population movement tracking system form part of an early-warning system that allows for greater predictability and improved humanitarian responses to IDPs and mixed movements. 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 ways according to the needs of the user. In addition, the database lends itself to creating tables, charts, graphs, and maps, which can be effective for the dissemination of information.

The PMT initiative has provided relatively accurate figures on persons on the move, including statistical and evidence-based means for prioritizing interventions related to IDPs. The information is useful for advocacy purposes and has been used by UNHCR for various purposes, up to the level of the UN Secretary-General and the Security Council. It has provided insights into populations of migrants, their patterns of movement and their intentions, and it has also reinforced the role of relevant actors through capacity-building measures. The PMT also acts a trigger for the investigation of human rights violations and protection issues that become apparent through the tracking process.

E. Further information

Annex 2 – UNHCR's Population Movement Tracking initiative: FAQs, 2007

YEMEN: MIXED MIGRATION TASK FORCE WEBSITE 2010 – PRESENT

A. Background and Rationale

In May 2010, the Danish Refugee Council (DRC) launched a website to capture the work of the Yemen Mixed Migration Task Force (MMTF) which aims to develop a comprehensive and coordinated response to address mixed movements from the Horn of Africa to Yemen, as well as onward movements.

B. Actors

Yemen MMTF members:

- DRC;
- Government of Yemen;
- IOM;
- INTERSOS (Italian NGO);
- Society for Humanitarian Solidarity (SHS);
- Save the Children-Sweden;
- WFP;
- UNICEF;

- UNHCR; and
- Yemen Red Crescent.

C. Actions

Key sections and features on the website are indicated below.

- News updates provide a snapshot of the latest news on mixed movements in the region;
- feature stories outline important trends and in-depth analysis of current issues;
- a comprehensive resource library collates reports and information on mixed movements;
- new Arrivals Reports issued on a monthly basis provide up-to-date statistics on the number of persons arriving at the shores of Yemen and the latest mixed movement trends;
- background information on the MMTF and the phenomenon of mixed movements provide insight into the aims and objectives of the MMTF and gives an overview of activities implemented;
- statistics on profiling new arrivals and registration at reception centres are regularly updated; and
- two online databases provide the user with access to statistics on the profiling of new arrivals and on registration at the reception centres. The DRC New Arrivals Registration Database provides access to data gathered during initial registration after arrival at the Yemeni shores from the period 01 September 2009, and the INTERSOS Information Management Systems gathers information to strengthen the protection capacity of UNHCR, other UN agencies and NGOs in Aden, Kharaz Camp and Sana'a.

D. Review

The Yemen MMTF website is a valuable resource tool which draws on information provided by the Yemen MMTF members. It provides information on migratory trends in the region, statistics on mixed movements to and through Yemen and the protection needs of persons travelling within mixed movements. The website is still in the development phase, and some of the features will be completed after feedback is received from MMTF members.

E. Further information

Available at: www.mmyemen.org.

ZAMBIA: NATIONAL POPULATION AND HOUSING CENSUS GOOD PRACTICE CENSUS QUESTIONNAIRE 2000

A. Background and Rationale

From 16 October to 15 November 2000, Zambia successfully carried out a national population and housing census by using standardized forms and indicators, including migration-related questions. Census and household surveys are the most reliable data source for the collection of demographic and social indicators in Zambia.

B. Actors

- Central Statistical Office and other Government departments in Zambia;
- enumerators, namely Grade 11 pupils and primary school teachers who served as supervisors ;
- the Examinations Council of Zambia;
- financial and technical partners [namely the British Government, Danish Government, Dutch Government, German Government, Finnish Government, Norwegian Government, Japanese Government, United States Agency for International Development (USAID), UNHCR , United Nations Population Fund (UNFPA), and the University of Michigan];
- the Institute of Economic and Social Research at the University of Zambia; and
- the Data and Research Services of the UK.

C. Actions

- Develop two different questionnaires including migration-related questions (one to collect general information from the head of the household or the proxy, and the other to collect detailed personal information relating to each member of the household);
- conduct the census enumeration with the assistance of a team made up of 30,000 staff;
- collect demographic and social indicators by using the standardized population questionnaire;
- code the questionnaires and store data collected in storage areas and electronically;
- design a post-enumeration survey to evaluate the census coverage and selected content errors at the national and provincial levels and to guide users on the accuracy of data collected;
- outsource the data processing component of the census to the Examinations Council of Zambia and Data and Research Services of the UK so as to build the capacities of local institutions;
- analyse quantitative data collected, identify information gaps, and recommend improvement of data collection and processing;
- coordinate the sector performance analysis conducted by research institutions and statistical offices for the purpose of informing policies;
- prepare a summary report analysing the data disaggregated by sex, district, province and percentage distribution;
- draft detailed analytical and specialized reports demonstrating indicators such as life expectancy, child mortality, fertility, migration, housing indicators, education, demographic structures and economic activity; and
- used the available data to develop a more effective sample framework for the 2010 post-enumeration survey.

D. Review

The questionnaires are a good practice model, notably because they specifically include migration-related questions. The data can be used to identify persons in need of protection and assistance and to inform responses to mixed movements.

The census questionnaire was improved for the 2010 Census to include additional questions (e.g. reasons for moving, work, study, asylum and family reunification). Although the 2000 Census was conducted successfully, there were a number of constraints encountered during field operations and data processing, such as weather conditions and technical problems. The 2010 Census drew on the lessons learned and aimed to improve data collection and analysis by broadening the scope of the questionnaires.

E. Further information

Annex 3 – Republic of Zambia, Form A: Questionnaire on General Characteristics of Household, 2000

Annex 4 – Republic of Zambia, Form B: Questionnaire on Personal Information, 2000

Annex 5 – Republic of Zambia, *Zambia Population and Household Census 2000: Summary Report*, 2003

2.3.2. At the regional level

African, Caribbean and Pacific (ACP) Countries: Intra ACP Migration Observatory Programme

In October 2010, the ACP Observatory on Migration held its launching event in Brussels. The ACP Observatory on Migration is an ACP Group of States Secretariat initiative, implemented by a Consortium of 15 partners and associates led by IOM with the financial support of the EC and additional funding from Switzerland. The ACP Observatory on Migration will establish research networks in 12 pilot countries (i.e. Angola, Cameroon, Democratic Republic of Congo, Haiti, Kenya, Lesotho, Nigeria, Papua New Guinea, Senegal, Tanzania, Timor Leste, Trinidad and Tobago) in the six ACP regions (i.e. Caribbean, West Africa, East Africa, Central Africa, Southern Africa and the Pacific). Its goal is to improve data collection methods, sharing, and analysis on South-South ACP migration flows for better informed decision making and policy development. The networks will be comprised of the main stakeholders at the national level, policy makers, civil society and academia.

The project is expected to enhance research capacities in ACP countries which, in turn, will help inform policies to improve migrant's conditions and strengthen knowledge on the South-South migration-development nexus. The final objective is for the ACP Observatory on Migration to support the migration-related data collection needs of all 79 ACP Member States.

See: www.acpmigration-obs.org.

AFRICA, THE MIDDLE EAST AND THE MEDITERRANEAN REGION: INTERACTIVE MAP ON MIGRATION (I-MAP) 2008 – PRESENT

A. Background and Rationale

In 2006, the International Centre for Migration Policy Development (ICMPD), the European Police Office (EUROPOL) and the European Border Agency (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). The MTM I-Map was created to help Arab and European States and partner agencies collect and exchange information on migratory movements in Africa, the Middle East and the Mediterranean region, and to support the development and implementation of cooperation initiatives.

B. Actors

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

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

C. Actions

- Provide a visual geographic picture of migratory routes and flows in Africa, the Middle East and the Mediterranean region;
- enhance knowledge about the composition of irregular migratory movements;
- gather information, through questionnaires completed by partner States or on-site information gathering and by allowing partner States and organizations to add information on an ad hoc basis;
- create a platform to exchange information on migratory movements and transit routes;
- provide an in-depth analysis of the core elements of migration management and engage expert partners to conduct quality assessments;

- compile information on interception and apprehension, analysis of irregular flows, smuggling and trafficking, reception and detention of irregular migrants, asylum and protection issues, return and readmissions; and
- use information gathered for research, analysis, strategic planning and policy development.

Features of the MTM I-Map tool are listed below.

- Public interface and secured interface with restricted access: Users with access to the secured area (partner States and partner agencies) can send comments and suggestions to the I-Map team and complete the MTM Questionnaire on irregular migration and trafficking in human beings.
- Three working languages: English; French; and Arabic.
- Three areas of analysis: irregular migration (first phase - under development); regular migration (next phase - planned development); and migration and development (next phase - planned development).
- Three levels of information: national; migration route (regional); and migration hub (local). A fourth category on legislative profiles will be added.

D. Review

The MTM I-Map is valued by all partners as an effective interactive tool that visualizes migratory trends and patterns. In addition to graphically illustrating information on migratory movements and promoting data collection and data exchange, it is also seen as a tool to improve dialogue and promote better cooperation 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 MTM I-Map and unanimous consensus of all partner States is required in order for a third country to gain access. However, maintaining the I-Map is cost and labour-intensive and requires timely and accurate information from partners. The section on protection aspects in the I-Map layer on irregular migration could be strengthened to better reflect the mixed character of irregular movements. The MTM I-Map is still in its first phase and there is room for further development.

E. Further information

Available at: http://www.imap-migration.org/.

Annex 6 – Mediterranean Transit Migration Dialogue, *Arab and European Partner States Working Document on the Joint Management of Mixed Migration Flows*, 2007

EASTERN EUROPE AND CENTRAL ASIA: DATA SHARING MECHANISM (DSM) – PROGRAMME FOR THE CREATION OF A GENERAL MODEL FOR THE COLLECTION, SHARING AND APPLICATION OF MIGRATION-RELATED DATA 2002

A. Background and Rationale

The Data Sharing Mechanism: Programme for the Creation of a General Model for the Collection, Sharing and Application of Migration-related Data ("the Data Sharing Mechanism") was designed at the request of Eastern Europe and Central Asia (EECA) countries following the workshop on Organizational Structures, Collection and Sharing of Migration-related Information held in July 2002 in Prague. The programme sought to build national capacity and ownership of migration-related data while facilitating the cross-border exchange of comparable statistical data.

B. Actors

- Countries in EECA;
- Danish Immigration Service;
- Office for Democratic Institutions and Human Rights (ODIHR);
- OSCE;
- IOM; and
- Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC).

C. Actions

- At the national level: Assess existing data collection and management methods, identify the demand for migration-related data in government agencies, define migration-related statistical indicators, and provide technical assistance to national migration agencies.
- At the regional level: Organize technical workshops for data experts from participating States, identify gaps in collecting data, and develop tools to collect and share compatible data.
- Collect data from existing sources, such as entry and departure records, population censuses and household surveys, to provide insight into migration trends.
- Create a data-sharing mechanism to store and share migration-related statistics, legislation and policy documents through user-friendly tools.
- Conduct capacity-building activities through internships for government officials in the Commonwealth of Independent States (CIS), and organize a "training of trainers" workshop.

D. Review

The Data Sharing Mechanism is a unique State-driven tool that creates a platform for regional cooperation and data exchange. It promotes the systematic recording of migration data and has resulted in the development of a number of national databases, as well as bilateral and regional cooperation arrangements. The Data Sharing Mechanism has been piloted in participating countries to collect and share available aggregated data, according to agreed terms. It is also used to inform policy-making and as a basis for convening working groups, expert meetings and ad hoc consultations at the national level.

E. Further information

Folden, C., Manke, M. and Mortensen, T., Sharing Data – Where to Start: An Emerging Approach to Migration Data, IOM, 2007, available at: http://publications.iom.int/bookstore/index.php?main_page=product_info&products_id=102.

EUROPE: CLANDESTINO PROJECT ON IRREGULAR MIGRATION 2007 – 2009

A. Background and Rationale

The Clandestino Project on irregular migration entitled "Undocumented migration: Counting the Uncountable – Data and Trends across Europe" was developed to collect reliable data on trends in irregular movement across Europe. It aims to provide an inventory of data on migration stocks and flows in selected EU countries, to analyse comparative data collected, and to develop a methodology for the use of data in the context of the formulation of migration policies.

B. Actors

- Centre for International Relations, Poland (CIR);
- Centre for the Study of Migration Policy and Society (COMPAS)-UK;
- International Centre for Migration Policy and Development (ICMPD)-Austria;
- Hamburg Institute of International Economics (HWWI)-Germany;
- Hellenic Foundation for European and Foreign Policy (ELIAMEP);
- Platform for International Cooperation on Undocumented Migrants (PICUM)- Belgium;
- three non-EU transit countries (namely Morocco, Turkey and Ukraine); and
- twelve European countries (namely Austria, the Czech Republic, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain, and UK).

C. Actions

- Collect available quantitative data and estimates for the period 2000-2007, review literature and available sources, and interview key experts, policy makers and NGOs in each country.
- Develop a database on irregular migration to store information gathered, including general overviews, country profiles, detailed tables and background information.
- Use differentiated data quality checks to ensure that data is comparable, reliable and up-to-date.
- Study the main patterns of irregular movements which include the asylum system (notably rejected asylum-seekers who do not return to their countries of origin and/or those who are de facto non-removable), legal entry from visa and visa-free countries and subsequent overstay, or legal entry and stay whilst working or engaging in self-employment in breach of immigration regulations.
- Draft country reports on findings in the 12 selected European countries, as well as the overall estimate of irregular movements in the 27 EU countries.

- Study the dynamics and mechanisms that affect irregular transit migration in the three selected EU neighbouring countries.
- Develop a set of recommendations to support policy makers to formulate new policies in relation to irregular migration and to encourage scientific dialogue among experts.
- Draft policy briefs outlining the size and main demographic features of irregular migration, geographical migration flows, change of status during the migration route and the way in which existing policies affect irregular migration.

D. Review

The research methodology focused on gathering comparable data. Ethical guidelines were established to ensure that the data collection exercise was subject to data protection safeguards. The Clandestino database provides an inventory of the data collected and estimates based on country reports and indicators (e.g. the composition of the irregular migrant groups in the selected countries, age, gender, nationality and economic sectors where regular migrants tend to overstay their work permits). The data provided the basis for an in-depth analysis of irregular movements and different entry points (e.g. overstaying visas and other breaches of immigration regulations). The research results demonstrated that clandestine entry is the least frequent path of entry into the EU, and that improved migration policies and implementation of existing laws and regulations could reduce patterns of irregular entry.

E. Further information

Annex 7 – Clandestino Project, Final Report, November 2009
See also Clandestino database, available at: http://irregular-migration.hwwi.net/.

Latin America: Investigation of International Migration in Latin America (IMILA) Project 1970 – Present

The project on Investigation of International Migration in Latin America (IMILA) is used as a basis for systemizing, diffusing, explaining and analysing data collected on census rounds in the region from a migration perspective. The data is used to collate background information, make policy recommendations and analyse, inter alia, migration trends and patterns, migrant profiles, return migration and gender issues. The IMILA Project has been extended to include statistics on population and housing censuses from 20 Latin American countries and English-speaking Caribbean countries. It now also includes statistics on Latin American and Caribbean emigrants who have been included in censuses conducted outside the region.

The IMILA Project demonstrates the advantages of intra-regional cooperation and allows for the exchange of information to determine the extent and characteristics of migration in Latin America and the Caribbean. Census data is the most diverse source of information available and it is heavily relied upon given the lack of entry and exit records and work or residency permit figures in the region. Since census data is only collected once every 10 years, the analysis is limited to the variables incorporated in the census round.

Despite these limitations, the International Union for the Scientific Study of Population (IUSSP) and several other international organizations have recognized the IMILA Project as a unique example of systemizing data to reflect international migration trends and patterns, and have recommended that other regions undertake similar initiatives. The IMILA Project has also been instrumental in the development of regional strategies and interventions.

Additional information is available at: www.eclac.cl/celade.

See also: Martínez Pizarro, J., "The Project Conducted by The Latin American and Caribbean Demographic Centre (CELADE) - Population Division Of The Economic Commission for Latin America and The Caribbean (ECLAC)", Paper presented at the Joint OAS/OECD Technical Seminar on OAS Continuous Reporting System on Labour Migration For The Americas (SICREMI), 17 March 2009, available at: http://www.eclac.cl/cgi-bin/getProd.asp?xml=/celade/noticias/documentosdetrabajo/7/36587/P36587.xml&xsl=/celade/tpl-i/p38f.xsl&base=/celade/tpl/top-bottom_mig.xslt.

Other Examples of Databases in the Americas

The Statistical Information System on Migration in Mesoamerica (SIEMMES) 2001 – Present

SIEMMES has been created to monitor the magnitude and characteristics of migratory movements from, to and between Central American countries and Mexico. The data is collected from departure records, population censuses and surveys in the region and is used to monitor migration movements, including cross-regional movements, and to facilitate regional policy-making. The database is also used to provide technical assistance to, and build the capacities of, migration departments and statistical institutions at the national level. It allows for the synchronization of migration-related data from the various statistical sources, and for comparable indicators to be developed based on the number of non-nationals in the country, work permits granted and border crossings. Data on asylum and RSD are provided by UNHCR.

Further information is available at: http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/IDM/workshops/Data_Collection_08090903/pre_maguid.pdf.

The Continuous Reporting System on Labour Migration (SICREMI)

SICREMI (Sistema Continuo de Reportes sobre Migración) is a pilot project that aims to develop indicators to collect standardized, comparable, reliable and up-to-date information on migratory movements in the region. The first phase of the project focused on data collection in 10 countries based on their experiences as countries of origin, transit and destination. The project will be replicated in 10 additional countries during the second phase, and the third phase will aim to include all remaining countries in the region.

Annex 8 – SICREMI Information Brochure: Continuous Reporting System on Labour Migration

MEDITERRANEAN REGION: REGIONAL PROGRAMME OF STATISTICS – MIGRATION SECTOR 1999 – PRESENT

A. Background and Rationale

The implementation of the Regional Programme of Statistics in the Mediterranean Region (MEDSTAT) occurred in three phases, namely: MEDSTAT I (1999-2003), MED-Environment 2 (2003-2006) and MEDSTAT II (2006-2009). The objective of the programme is to harmonize statistical methods in line with European and international standards and to improve the coherence and compatibility of statistical data in the Mediterranean region. It also aims to improve the quality and service of national statistic institutions in order to produce up-to-date, reliable, relevant and high-quality statistical data for the purpose of formulating policies and good governance.

The next phase aims to include the Mediterranean Household International Migration Survey (MED-HIMS), a multi-component research programme that involves the coordinated collection of data in several Mediterranean countries by using common methods and tools to analyse the recent migration and asylum trends, determinants, dynamics and consequences of international migration, as well as attitudes and perceptions of host communities.

B. Actors

- EU;
- Eight Mediterranean partner countries [namely Algeria, Egypt, Jordan, Lebanon, Morocco, Occupied Palestinian Territory, Syria and Tunisia (while Yemen and Sudan also have expressed an interest to join);
- international experts;
- World Bank; and
- UNHCR.

C. Actions

- Assess the legal framework, existing information sources, user needs and cooperation among national agencies and statistical institutions;
- include mixed movements and refugee-related questions in existing questionnaires and surveys on household and migration issues;
- develop a model questionnaire and indicators, including relevant data categories [e.g. previous travel routes, reasons for travel, intended destination country, perceptions of local communities about refugees and migrants, and protection issues (e.g. documentation, status in host country)];
- strengthen national administrative systems to maximize existing administrative records, and promote information dissemination and regional cooperation;
- support the technical preparation and implementation of household surveys and censuses related to migration in selected Mediterranean countries;
- develop the use of data on international migration flows and stocks through data exchange, comparability, and information dissemination;

- provide training and technical assistance on migration data collection and analysis to improve national capacities on the collection of statistics about migrant populations; and
- promote good governance on migration in the Euro-Mediterranean region.

D. Review

The MED-HIMS phase of the MEDSTAT Programme aims to consolidate activities and results obtained from previous phases, exchange knowledge and technical expertise amongst partners and promote regional cooperation. The model questionnaire is a useful practical tool and the inclusion of questions relating to UNHCR's 10-Point Plan will help countries to better understand and respond to mixed movements in the region. UNHCR is in the process of developing a project to disaggregate data collected by age and sex to ensure that it captures the migration trends of women and children, as well as asylum and family reunification.

E. Further Information

Annex 9 – MEDSTAT, Guide on the Compilation of Statistics on International Migration in the Euro-Mediterranean Region, 2009

2.3.3. At the global level

IOM GLOBAL HUMAN TRAFFICKING DATABASE
2000 – PRESENT

A. Background and Rationale

The Global Human Trafficking Database was initially designed by IOM as a case management tool for IOM counter-trafficking direct assistance programmes. It stores primary data on registered trafficked persons and serves as a knowledge databank contributing to the understanding of the phenomenon of human trafficking. Data can be extrapolated from the database to produce statistical reports and detailed narrative reports to demonstrate trafficking trends and to help governments, research institutes and other actors to better tailor counter-trafficking policies and programmes. The database strengthens IOM's research about, and understanding of, the causes, processes, trends and consequences of human trafficking.

B. Actors

- IOM, headquarters and field offices; and
- interested stakeholders.

C. Actions

- Maintain a global database to serve as a repository of valuable primary data on trafficked persons registered with IOM both at its headquarters and in its field offices;
- promote international best practices for the secure collection, storage and processing of standardized and comparable data on human trafficking;

- apply strict access controls to the database to protect the confidentiality and security of the data;
- store both quantitative and qualitative data on, inter alia, the socio-economic profiles of trafficked persons, profiles of traffickers, trafficking routes, patterns of exploitation and abuse, nature of assistance and reintegration received, mapping of the trafficked person's experiences and instances of re-trafficking;
- follow a standardized format to record data collected through set templates;
- disaggregate data by a number of variables, inter alia, sex, age, nationality, as well as the personal experience of the trafficked person, migratory movements, exploitation suffered, and protection and assistance received;
- employ standardized methodologies and comparable indicators to monitor and evaluate international counter-trafficking programmes and initiatives; and
- analyse data and publish in-depth narrative reports to inform policies.

D. Review

The IOM Global Human Trafficking Database is the largest database storing only primary, victim-centred data on human trafficking and has been commended as a good practice model for the systematic collection of human trafficking data. Currently, it contains primary data on more than 16,000 registered trafficked persons of more than 85 different nationalities trafficked to more than 100 destination countries. The database serves as a common research and methodological tool, provides a useful systematic profile of trafficked persons across countries, and improves the overall understanding of the broader dimensions of trafficking. The IOM screening and interview form includes asylum-related questions. Although the data is limited, the information could be used to better address refugee protection for trafficked persons.

Quantitative and non-personal qualitative data stored in the database are used to feed into the Global Trafficking Thematic Series. The Series covers contemporary issues, including cases of re-trafficking, trafficking of men, organized crime, labour trafficking, and methodological issues when collecting victim-centred data on human trafficking. A number of regional reports have also been published to explore the development of trafficking trends in different regions.

E. Further Information

Available at: http://www.iom.int.

Additional Migration Databases

UN Department of Economic and Social Affairs (UN DESA)

Global Migration Database: This database consists of a comprehensive collection of publicly available empirical data on migration trends and the number ("stock") of international migrants by country of birth, citizenship, sex and age as enumerated by population censuses, population registers, and nationally representative surveys. The database contains a series of estimates and projections of the number of international migrants in different countries for the period 1960-2010.

Available at: http://esa.un.org/unmigration/.

International migration flows to and from selected countries: The 2005 revision demonstrates inflows and, where available, outflows and net flows of international migrants in 15 countries by country of origin and year of arrival/departure information. Available at: http://www.un.org/esa/population/publications/migration/UN_Migrant_Stock_Documentation_2005.pdf.

World Migrant Stock: The 2005 Revision – Database: This database represents global estimates of the total number of international migrants by country of destination and by sex for the period 1960–2005. Available at: http://esa.un.org/migration/.

UNHCR

Asylum Levels and Trends in Industrialized Countries: This is a semi-annual report documenting detailed asylum flows in 44 countries.

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

UNHCR Statistical Yearbook and Population Database: This database is a comprehensive overview of annual stocks and flows of asylum-seekers, refugees and other persons of concern to UNHCR. Available at: http://www.unhcr.org/statistics.html.

Others

Database on Immigrants in OECD countries (DIOC): This database is a comprehensive and comparative source of information on a broad range of demographic and labour market characteristics of immigrants living in the OECD countries. Available at: http://www.oecd.org/document/51/0,3343,en_2649_33931_40644339_1_1_1_7415,00.html.

Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), Demographic and Economic Database: This includes standardized tabulations on stocks and flows, asylum, naturalization, labour migrants, students and remittances. Available at: http://www.carim.org/index.php?areaid=4&contentid=5.

Eurostat: Eurostat provides statistical data, including data about asylum-seekers and decisions on asylum applications. EC statistical data is governed by the principles of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency. Available at: www.eurostat.com.

ILO International labour migration database: This database stores online international labour migration surveys and statistical information gathered from 86 countries and developed guidelines on data collection. Available at: http://www.ilo.org/public/english/protection/migrant/info/ilm_dbase.htm.

International Migration Outlook: This is an annual publication providing comprehensive immigration data and trends in the Organization for Economic Co-operation and Development (OECD) countries. International Migration Outlook 2010 is available at: http://www.oecd.org/document/41/0,3343,en_2649_33931_45591593_1_1_1_1,00.html.

MPI Data Hub: Migration facts, stats and maps: This hub is comprised of interactive tools that provide easy access to immigration data (stock, flow, net migration, asylum, and naturalization data) over time and to generate instant charts. Available at: http://www.migrationinformation.org/DataHub/.

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Protection-sensitive entry systems

CHAPTER 3

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Colombia: Practical Guide for the Identification and Treatment of Asylum-seekers 82

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Introduction

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 to their territory and in combating international crime, including the smuggling and trafficking of persons. In this Chapter, the term "entry systems" is used to describe the procedures and practices used by States to regulate access of persons to their territories.

This term has been chosen because it has a broader meaning than the commonly used term "border control". It captures the fact that migration policies and strategies regulating access to territory have undergone significant changes and now include activities that do not take place at the physical border of a country. Interception operations (i.e. measures to prevent, interrupt or stop individuals from reaching and/or entering a territory) have always been an important entry-management tool. However, they are increasingly applied further away from State borders, on the high seas and on the territory of third States. Other measures to control migration implemented outside State borders include out-posting immigration officials and delegating certain immigration control functions to private actors through the use of carrier sanctions. Some destination States also provide assistance to strengthen the border control capacities of transit countries in an effort to decrease the number of irregular departures.

Government officials who work in entry systems ("entry officials") include border police, immigration officials (including out-posted immigration and airline liaison officers) coast guard personnel and others who have "first contact" with migrants and asylum -seekers. The term entry officials also includes legislators, policy makers, judicial officers, 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.

Entry systems can raise protection concerns. If applied indiscriminately, such procedures can adversely affect the ability of persons with international protection needs to seek asylum and to access other relevant mechanisms to address their needs. Accordingly, the 10-Point Plan advocates the establishment of "protection-sensitive" entry systems. These are systems that take into account the protection needs of individuals seeking access to State territory 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 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.[1]

1 The practical examples contained in this Chapter include recommendations made at the "10-Point Plan Expert Roundtable No. 1: Controlling Borders while Ensuring Protection", which was held 20–21 November 2008, in Geneva. The recommendations made at the roundtable as well as other related document are available at: http://www.unhcr.org/4a27bf566.html.

Operationalizing protection-sensitive entry systems: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Communicate protection obligations to entry officials, including by advocating for their inclusion in relevant laws, regulations and guidelines governing the entry system.
- Provide training to entry officials to ensure awareness and implementation of relevant protection-sensitive laws and policies.
- Establish mechanisms for dialogue and cooperation between entry officials and humanitarian actors.
- Develop practical tools to assist entry officials to identify and refer asylum-seekers and other persons with specific needs to the responsible authorities.
- Include carriers and other private actors involved in entry management in protection strategies.
- Ensure cross-border cooperation for the development of protection-sensitive entry systems.
- Advocate for, and participate in, independent monitoring mechanisms.
- Develop mechanisms to address irregular maritime movements in a protection-sensitive manner.

Support UNHCR can provide to partners

- Provide 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.
- Provide training activities on refugee and human rights principles, in cooperation with States and other partners.
- Make Refworld - UNHCR's leading source of information for quality decisions on refugee status - accessible to entry officials.
- Assist in the development of a protection hotline by providing funding and/or training for staff working in entry systems.
- Enhance coordination between entry officials and asylum authorities, including through the development of agreements or MOUs on cooperation and information sharing.
- Act as a referral point for persons with possible international protection needs, where necessary and appropriate.
- Develop and participate in monitoring arrangements.

3.1. Communicating protection obligations to (first contact) entry officials

International protection obligations are generally included in national legal frameworks governing asylum and migration. However entry officials may not always be familiar with this body of law, especially those, such as border guards, who have first contact with refugees and migrants ("first contact entry officials"). Incorporating protection obligations into specific regulations governing entry systems can be a first step towards ensuring that first contact entry officials, who are not refugee or human rights experts, are aware of such obligations and how they apply to their work. For example, entry system regulations could include a list of basic refugee protection principles and could specify that there are exemptions to entry requirements (travel documents, visas, etc.) for asylum-seekers, and clarify that asylum-seekers are not to be punished for illegal entry.[2]

Operational guidelines can assist in translating legal responsibilities into practice. Such guidelines may define the roles and responsibilities of (first contact) entry officials and outline how to respond to persons with international protection and other specific needs, including how to screen, identify, and refer them to appropriate processes and procedures. Operational guidelines can also emphasize appropriate standards of treatment for refugees and migrants in an irregular situation consistent with international human rights law.

EU:
The Schengen Border Code and the Schengen Handbook 2006

The Schengen Border Code

The EU 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 EU Member States with the option to waive entry requirements.

The Schengen Border Code:

- obliges border guards to respect human dignity when carrying out border checks (Article 6);
- includes a safeguard clause to ensure that the application of the code respects the rights of asylum-seekers and refugees (Article 3b);
- allows for exceptions to the prescribed entry conditions based on humanitarian grounds or international obligations (Article 5c); and
- underlines that refusal of entry needs to comply with the "right to asylum and to international protection" (Article 13, paragraph 1).

2 See Article 31 of the 1951 Convention.

The Schengen Handbook

In 2006, the EC developed a Practical Handbook for Border Guards ("Schengen Handbook") based on the Schengen Border Code. The Schengen Handbook provides non-binding guidance on different aspects of border management.

The Schengen Handbook has a specific chapter on "asylum-seekers/applicants for international protection" which:

- provides information for the identification of asylum-seekers;
- clarifies that persons who want to seek asylum must be given the opportunity to do so, as well as information about the procedure to be followed;
- emphasizes that asylum-seekers are to be referred to the responsible asylum authority; and
- emphasizes that asylum-seekers should not be returned without consulting with the responsible asylum authority.

Although the Schengen Border Code recognizes protection obligations in the context of border control, it does not provide detailed guidance on how to translate the code into practice, and provides only limited information on the procedures to be followed in identifying and referring asylum-seekers. Although the Handbook is not legally binding on EU Member States, the national laws of many EU Member States contain similar provisions.

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, available at:
http://www.unhcr.org/refworld/docid/47fdfb0525.html

Annex 2 – European Commission, Recommendation 06/XI/2006 of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons, available at:
http://register.consilium.europa.eu/pdf/en/06/st15/st15010.en06.pdf

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

Belarus and Moldova: Examples of Protection-sensitive Border Legislation in Eastern Europe

Belarus: Non-punishment for illegal entry

2008 Law on Refugee Status and Complementary and Temporary Protection in Belarus provides that persons who were obligated to enter the Republic of Belarus illegally and who declared themselves, without delay, to State authorities shall not be held liable for illegally crossing the State border of the Republic of Belarus or for their illegal stay in the Republic of Belarus (Article 27).

A similar provision is made in the Code of Belarus for Administrative Offences (Articles 23.29, 23.55) and in the Criminal Code of the Republic of Belarus (Article 371).

Moldova: Prompt referral to the asylum authorities

The Border Guard Instruction on Processing Asylum Applications at the Border in Moldova establishes a mechanism for the receipt of asylum applications and for the transfer of asylum-seekers to the Refugee Authority. It provides, inter alia, for the establishment of a special logbook at every Border Crossing Point (BCP) and Border Guard Post (BGP) in order to register asylum claims made at the border, containing a model asylum application and instructions for completion.

Indonesia: Directive of the Director General on the Procedures Regarding Aliens Expressing their Wish to Seek Asylum or Refugee Status 2002

Although Indonesia is not a signatory to the 1951 Convention, the Director General of Immigration has adopted a Directive that sets out the duties of immigration offices throughout Indonesia concerning asylum-seekers and refugees. Since the Directive was adopted, the Director General of Immigration has cooperated 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, shall not be applied to non-nationals who seek asylum in Indonesia;
- non-nationals who seek asylum in Indonesia are to be referred to UNHCR for RSD;
- where non-nationals seek asylum at immigration checkpoints that are far from a UNHCR Office, immigration officials shall coordinate with UNHCR, as appropriate;
- the status and presence of non-nationals 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 shall be processed in accordance with relevant criminal law regulations;

- the Head of Immigration Office or the designated officers shall register the presence of non-nationals for monitoring purposes; and
- a report on developments should be prepared every month for the Director of Supervision and Enforcement.

Annex 3 – Government of Indonesia, Directive of the Director General of Immigration No. F-IL.01.10-1297 on the Procedures Regarding Aliens Expressing their Wish to Seek Asylum or Refugee Status, 30 September 2002, available at:
http://www.unhcr.org/refworld/country,,NATLEGBOD,,IDN,4562d8cf2,3ed8eb5d4,0.html.

UK: UK Border Agency (UKBA) Code of Practice for Keeping Children Safe from Harm 2008

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

The Code of Practice obligates UKBA staff to:

- provide all children with treatment equal to that of national children;
- make the best interests of the child a primary (but not the only) consideration;
- apply a policy of non-discrimination;
- ensure that children's asylum applications are considered in a timely fashion;
- identify those children who might be at (heightened) risk of harm;
- make referrals, where appropriate, and cooperate with other national agencies;
- participate in child-focused sensitivity training;
- use oversight, monitoring and reporting mechanisms to ensure accountability in the system.

Annex 4 – UK Border Agency Code of Practice for Keeping Children Safe from Harm, 2008, also available at:
http://www.unhcr.org/refword/docid/4948f8662.html.

3.2. 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. They are responsible for deciding who to intercept and who 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; it is also not appropriate for them to do so as they generally lack the time, expertise and access to information that is necessary to make a proper assessment of protection claims. They are responsible for identifying and referring asylum-seekers and other persons who may have specific needs to the responsible expert authorities.

Identifying individuals within mixed groups of arrivals who may be in need of international protection is not always easy. A profiling and referral exercise (outlined further in Chapter 5) undertaken by entry officials, with or without the support of other actors, could facilitate this task. Some countries have also developed specific tools to assist entry officials in conducting profiling and referral of arrivals at entry points.

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

A. Background and Rationale

In 2007, UNHCR, the Government of Colombia (Ministry of Foreign Affairs and Vice-Ministry of Multilateral Affairs) and the Social Ministry of the Church (*Secretariado Nacional de Pastoral Social* - SNPS) jointly developed a Practical Guide for officials of the Administrative Department of Security responsible for migration control [the *Departamento Administrativo de Seguridad* (DAS)] in order to facilitate the identification of asylum-seekers and the processing of asylum claims ("the Practical Guide"). The first 2007 version was updated in December 2009 with information from the new Colombian refugee decree of November 2009.

B. Actors

- DAS;
- SNPS;
- UNHCR; and
- the Vice Ministry of Multilateral Affairs *(Vice-Ministerio de Asuntos Multilaterales)*.

C. Actions

- The Practical Guide provides a short introduction on the right to seek asylum as well as basic principles of the 1951 Convention, including the principle of *non-refoulement*, non-penalization for illegal entry and the right to be issued documents.
- It emphasizes the importance of training immigration officers to respond effectively to asylum-seekers and refer them to the competent authorities.
- The Practical Guide sets out a series of questions to identify persons seeking international protection. These questions include:
  1. Why did you leave your country of origin?
  2. Under what circumstances or events did you leave your 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 Practical Guide also provides sample responses that would indicate that an individual is an asylum-seeker and provides information regarding entities to which asylum-seekers should be referred and applicable standards of treatment.

D. Review

The Practical Guide has been used in training activities with migration officials, with DAS authorities and as a reference document for referrals at border points. It will be distributed at all border points in 2011.

E. Further Information

Annex 5 – UNHCR, Guía Practica para funcionarios de DAS – Recomendaciones de tratamiento ante Solicitantes de la Condición de Refugiado (Spanish Only), 2009

New Zealand: Immigration Operational Manual, Section on Border Entry 2009

Section Y 6.1 of the New Zealand Immigration Operational Manual governing border 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 for border officials on how to respond to persons who wish to claim asylum. It also provides a list of statements that may indicate an intention to seek asylum. Specifically, it provides that "[p]eople 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 UN" (i.e. UNHCR); or
- they want to know if there is a UN 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".

Annex 6 – New Zealand Immigration, Operational Manual: Border Entry, 2010, available at: http://www.immigration.govt.nz/NR/rdonlyres/731882A3-EBAF-446E-AEE6-EC653C7D1B50/0/BorderEntry.pdf

UK: SAVE THE CHILDREN-UK GUIDE FOR IMMIGRATION OFFICERS AT PORTS OF ENTRY AND YOUNG PERSONS ADVISER PROJECT 2003, 2001 – 2008

A. Background and Rationale

The 2003 Guide for Immigration Officers at Ports of Entry ("the Guide") issued by the British NGO, Save the Children-UK, was designed to assist immigration officers working at ports of entry in the UK, in particular those working with unaccompanied asylum-seeking children.

The post of Young Persons Adviser (YPA) was established under the YPA Project in 2001 for Heathrow and other UK airports by two NGOs: the Refugee Arrivals Project-UK and Save the Children-UK.

The objective of both the Guide and YPA Project is to help immigration officials identify those young persons who might be in need of international protection and refer them to the appropriate asylum authorities.

B. Actors

- Refugee Arrivals Project-UK;
- Refugee Council-UK; and
- Save the Children-UK.

C. Actions

The Guide has been distributed to the NGOs listed above and to immigration officers at airports. It answers frequently asked questions about asylum-seeking children and provides recommendations and information on how to manage unaccompanied children upon arrival. The Guide also provides contact details and information about the YPA Project.

The YPA:

- provided direct support to unaccompanied asylum-seeking children who were deemed at risk when they arrived at the Heathrow Airport;
- trained immigration officers, social services personnel and voluntary staff on how to provide appropriate support to unaccompanied asylum-seeking children on arrival;
- provided advice and support to immigration officers at Heathrow Airport and social workers at Hillingdon Hospital to ensure that appropriate referrals were made and that the young persons received appropriate support;
- offered telephone advice to professionals working with children at other ports of entry in the UK; and
- provided support in age dispute cases, ensuring that the young person understood what was happening and that a fair assessment was conducted.

D. Review

The YPA Project provided support to unaccompanied asylum-seeking children, in addition to training and advisory services to immigration officers, social service personnel, voluntary staff and other professionals working with unaccompanied asylum-seeking children. During the first six months, the YPA Project provided support to 87 unaccompanied children, from the age of six years, either by talking directly to the children during the reception process or by providing advice to social workers and immigration officers on particular cases. Since the project was implemented at UK airports, it did not reach children who arrived at land borders. The project ended in June 2008 due to a lack of funding.

E. Further Information

Annex 7 – Save the Children, *Young Refugees: Working with Unaccompanied Asylum-seeking Children at Ports*, 2003

Additional Examples of Assisting Entry Officials in Identifying and Referring

Belarus: The 2006 Border Guard Internal Manual for Investigation of Cross-Border Incidents includes specific instructions on the steps that border guards should take in the event of irregular border crossings by non-nationals who subsequently ask for asylum in Belarus. A leaflet developed in 2007 for border guards focuses on protection-related issues and provides definitions as well as instructions on how to work with asylum-seekers and persons with specific needs.

Central America: The UNHCR Guide on Refugee Protection in Central America has been designed for immigration officials in Central America. It includes information on the identification of asylum-seekers, trafficked persons, and victims of sexual and gender-based violence (SGBV), as well as details on referral mechanisms and procedures. It also provides a list of useful contacts in each country in the region including relevant government entities and NGOs.

Annex 8 – UNHCR, *Guia para la Proteccion de los Refugiados en Centroamérica (Spanish only)*, 2008

Romania: The UNHCR 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.

Annex 9 – Romanian National Council for Refugees, *Handbook of Good Practices related to Asylum at the Borders*, 2004

3.3. Training

Regular training, both for junior level and more senior entry officials, helps to ensure broad awareness and understanding of relevant laws, regulations and guidelines and how they are to be implemented 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. Refresher courses also help to 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 where a regular rotation policy is implemented, training is an ongoing 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 international human rights and refugee law principles, training can include psychosocial skills, such as conflict and stress management skills and culture, as well as age- and gender-sensitive interview techniques.

Training sessions offered by international agencies provide an opportunity for entry officials and the humanitarian community to engage in dialogue. They also help build trust and mutual understanding. Training entry officials is part of the regular protection work of UNHCR and other humanitarian agencies in many countries.

COSTA RICA AND PANAMA: JOINT CAPACITY-BUILDING INITIATIVE FOR BORDER POLICE AND MIGRATION OFFICIALS 2006 – PRESENT

A. Background and Rationale

Given the permeability of the border between Panama and Costa Rica, irregular movements occur regularly. Groups 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, the 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 (e.g. border guards and immigration officials); and
- UNHCR-Costa Rica and 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 UNHCR Offices, three to four times per year. Costa Rica organized and facilitated three bilateral coordination workshops with their Panamanian counterparts in 2007 and two similar workshops in 2008. Similar initiatives continued in 2009 and 2010.
- An informal referral mechanism was established, whereby entry officials contact the relevant UNHCR Offices when they identify persons seeking international protection.
- UNHCR-Costa Rica concluded a specific agreement with the Costa Rican Ombudsman's Office at the southern border, for the deployment of an Ombudsman liaison officer to whom the national authorities can refer individuals who arrive at the border and who may have international protection needs. This liaison officer is in permanent contact with the UNHCR Protection Unit in San José.

D. Review

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

UNHCR Examples of Training on Refugee Law for National Officials

- **Albania:** Training is a component of the "Pre-screening of Asylum-seekers and Migrants" Project in Albania (outlined further in Chapter 5).
- **Angola:** A joint UNHCR-IOM project was initiated in 2007 to enhance the Government's capacity to address protection challenges in the context of mixed movement. This project includes the training of border police, law enforcement and immigration officers, in the capital and especially at border points. Approximately 400 personnel have been trained each year.
- **Ecuador:** A MOU between UNHCR-Ecuador and the Ministry of Justice and Human Rights includes training 9,000 police and military at the northern border on international protection issues.
- **EU:** The EU Border Management Programme for Central Asia (BOMCA)-UNHCR Training Component includes specialized training on international refugee and human rights law. Further information is available at: http://ec.europa.eu/europeaid/where/asia/regional-cooperation-central-asia/border-management-fight-against-drugs/bomca_en.htm.
- **Japan:** UNHCR organizes regular workshops on refugee and human rights law for national police officers.
- **Moldova:** Institutionalized refugee law courses are provided in the National Border Guard College and for the Police.
- **South Africa:** UNHCR organizes training sessions for entry officials at all levels, including immigration and police officers.
- **Turkey:** In 2002, UNHCR and the Gendarmerie General Command (GGC) of the Republic of Turkey signed a cooperation agreement on training GGC staff about refugee and asylum issues. Under this agreement, UNHCR and GGC have organized seven joint trainings and seminars for officials of the Gendarmerie, coast guard and land forces.
- **Zambia:** UNHCR and IOM collaborate with the National Commissioner for Refugees and provide training on protection-sensitive entry systems to national authorities, including the Department of Immigration, Provincial and District Operations Committees, the army, the police and prison officers.

UNHCR Protection Training Manual for European Border and Entry Officials

Developed in the framework of the UNHCR's 10-Point Plan, this manual is designed to facilitate the training of European border and entry officials on the rights of refugees in the context of mixed migration movements. As such, it aims to build the capacity of border agencies to establish "protection-sensitive entry systems" in border areas.

The manual is intended for use by European border control authorities, UNHCR, NGOs and regional organizations with border management responsibilities and will be made available at www.unhcr.org by the end of 2011.

3.4. Establishing dialogue and cooperation between entry officials and humanitarian actors

The following examples demonstrate the ways in which entry officials and humanitarian actors can work together to identify and address shortcomings in the mechanisms used to identify persons in need of international protection. In some countries, entry officials and humanitarian actors have institutionalized their cooperation through the establishment of a formal dialogue, working/coordination groups, or specific consultation processes. These arrangements often include training and monitoring components.

EU: FRONTEX-UNHCR Cooperation 2008 – Present

A Cooperation Arrangement between the EU Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (FRONTEX) and UNHCR was signed in June 2008 at FRONTEX headquarters in Warsaw, Poland. The main objective of this cooperation is to contribute to an efficient EU border management system fully compliant with international and EU protection obligations through, for example, the exchange of information, expertise and experiences, in particular on mixed movements to EU Member States. Another key element is the preparation of general and specific training materials and tools on international human rights and refugee law, applicable in the context of border management. Bilateral cooperation also extends to more operational aspects of FRONTEX's work: UNHCR (along with IOM) participated for the first time in a FRONTEX-coordinated joint operation (AGELAUS 2010), in an observatory and advisory capacity. Targeting the identification and referral of children arriving at selected EU airports who might be victims of trafficking, this joint operation represents a first test case for practical cooperation on operational matters between FRONTEX and UNHCR.

CENTRAL EUROPE: TRIPARTITE MOU ON BORDER MANAGEMENT WITH NATIONAL BORDER GUARDS, NATIONAL NGOS AND UNHCR 2006 – PRESENT

A. Background and Rationale

Tripartite MOUs were signed by national border guards, national NGOs and UNHCR in several Central European countries. They create an institutional framework and structure for monitoring the entry of persons in need of protection to the territory of the relevant State and their access to the asylum procedures, as well as their protection against *refoulement*. The MOUs formalize the cooperation, roles and responsibilities, and working methodologies among the actors in the area of border management.

The first agreement in Central Europe was concluded in Hungary in December 2006, followed by similar arrangements in:

- Slovakia - September 2007
- Romania - July 2008;
- Slovenia - October 2008;
- Poland - October 2009; and
- Bulgaria - April 2010.

B. Actors

- Border guards;
- NGO/civil society actors; and
- UNHCR.

C. Actions

The MOUs:

- clarify the protection responsibilities of the border guards;
- reiterate UNHCR's right to have access to, and intervene on behalf of, persons falling under its mandate;
- establish a monitoring framework with specific responsibilities assigned to all three actors;
- provide that border guards are to give UNHCR and NGOs access to entry points, detention facilities and other locations, as well as to records of arrivals, justifications of refusal of entry and other data;
- designate UNHCR as the actor responsible for ensuring the coordination and mobilization of funds, and the NGOs responsible for undertaking monitoring activities;
- establish a Tripartite Working Group to oversee the implementation of the agreement, and follow up on the results of monitoring exercises; and
- include the possibility of organizing joint educational and awareness-raising activities.

D. Review

The MOUs formalized cooperation among the parties and established a framework for ongoing dialogue. The MOUs helped increase mutual understanding and transparency, develop confidence and identify and address training needs, as well as the need for changes to existing laws. The MOUs have improved the access of asylum-seekers to the territory and to asylum procedures, as well as the access of UNHCR and NGOs to persons of concern and to border-related data. They also enabled the identification of trends and patterns in the movements and profiles of persons of concern.

UNHCR RRCE organized a Trans-regional Conference on Border Management and Protection of Refugees in Budapest, Hungary, 24-26 November 2010 to further develop existing mechanisms and synergies between the UNHCR Offices in the region and to extend existing cooperation practices and expertise on protection-sensitive border management to neighbouring countries.

A Border Management and Protection of Refugees framework in the Central Europe region is currently under development.

E. Further Information

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 Republic of Hungary, 28 December 2006

All Central Europe MOUs are available online at:
http://www.unhcr-budapest.org/index.php/refugee-protection/access-to-territory.

Annex 10 bis – Hungarian Helsinki Committee, Hungarian National Police Headquarters, UNHCR, *Report on the Border Monitoring Program 2008 – 2009*, 2010

CANADA: UNHCR AND THE CANADA BORDER SERVICES AGENCY (CBSA) COOPERATION ON PROTECTION 2006 – PRESENT

A. Background and Rationale

Although there is no formal agreement between the CBSA, UNHCR and the NGO community, there is a high degree of engagement and exchange among these actors, leading to good cooperation on protection issues.

B. Actors

- CBSA;
- Citizenship and Immigration Canada (CIC);
- Immigration and Refugee Board of Canada (IRB);
- NGOs;
- pro bono law firms; and
- UNHCR.

C. Actions

- Ensure regular dialogue and information sharing between actors.
- Develop a training manual as well as joint training sessions on protection issues.
- Monitor busy land and air entry points and detention centres with UNHCR having a specific monitoring role under the Canada-USA Safe Third Country Agreement (outlined further in Chapter 8).
- Support NGOs to assist with asylum claims at ports of entry, provide shelter and other services, and advocate for access to asylum procedures and other mechanisms for both individuals and on a general basis.
- Facilitate a "guardian *ad litem*" process for unaccompanied minors and others with special needs through pro bono legal services.
- Conduct ad hoc post-admission interviews/reviews with asylum-seekers in relation to entry procedures in order to assess the treatment of asylum-seekers from the perspective of the individual claimant.
- Facilitate the engagement of Canadian and USA-based NGOs in relation to common border issues.
- CIC and CBSA combined three refugee claim forms into one national form to be used by all ports and inland offices to standardize and simplify the RSD procedure.

D. Review

Constant engagement between UNHCR and government officials creates a healthy working environment where problems are more easily addressed and protection is strengthened through cooperative efforts. UNHCR interventions are informal and effective, and its recommendations are understood and respected by CBSA and CIC. The standardized refugee claim form contributes to efficiency and has reduced the processing time for asylum claims by at least 60 minutes.

The high turnover rate of CBSA staff, however, increases the need for continuous training creating resource strains for UNHCR. To a certain degree, this is being addressed through the engagement of the Canadian Government, NGOs and civil society on protection issues, which occur with limited UNHCR facilitation or independent of UNHCR operational involvement.

Despite the strong cooperation, some instances of return from Canada to the USA, outside the Safe Third Country Agreement framework, have occurred. Further, contrary to UNHCR policy guidelines, asylum-seekers may be detained upon arrival, where they are often mixed with criminal detainees.

E. Further Information

Annex 11 – UNHCR, Questionnaire for Monitoring of Detention Facilities

Annex 12 – UNHCR, Refugee Process Determination Monitoring Form

The 2006 UNHCR monitoring report in the context of the Canada-USA Safe Third Country Agreement is available at:
http://www.unhcr.org/home/PROTECTION/455b2cca4.pdf.

3.5. Including carriers and other private actors in the protection strategy

Many States impose sanctions on carriers for the transportation of non-nationals without proper travel documentation to their territory. As a result, carriers may be required to deny embarkation to travelers in an irregular situation, regardless of any potential protection needs. A protection-sensitive entry system could ensure that the 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 also allow carriers to refer asylum-seekers without proper travel documents to local authorities in the country of departure if the country is a State Party to the 1951 Convention and has a functioning asylum system in place; or to officials from the destination State stationed 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 the protection strategies developed by States, as outlined below.

- 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 managing 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.
- The framework for monitoring protection safeguards in entry systems can extend to carriers.

Netherlands: The Aliens Circular, 2000

The Aliens Circular of the Netherlands of 2000 outlines how carriers should handle travel requests by persons who are seeking asylum.

A2. 7.1.5 states: "When a carrier, during identity control, is confronted with an individual who is not properly documented, he/she is under no obligation to transport this individual. In case the alien declares that 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."

Available at: http//www.unhcr.org/refworld/docid/47fdfaea0.html.

3.6. Ensuring cross-border cooperation on protection, including in the context of rescue at sea operations

Cross-border cooperation on establishing protection-sensitive entry systems can help ensure consistent and coherent approaches between States, including in various regions. Cross-border cooperation is particularly important in the context of distress and rescue at sea operations involving irregular maritime movements, in order to ensure that rescuees are disembarked at an appropriate place of safety, processed and provided access to asylum procedures or other mechanisms to meet specific needs.

BRAZIL: PROTECTION NETWORKS 2004 – PRESENT

A. Background and Rationale

Civil society "protection networks" were developed in Brazil as a pragmatic solution for border monitoring and referral in a country with a large geographic territory. The objective is to provide immediate legal counselling and humanitarian assistance to asylum-seekers at border points.

The protection networks are constantly expanding. They currently include 44 organizations and 100 individuals.

B. Actors

- The protection networks are comprised of an increasing number of participating organizations and individuals; and
- partners of the protection networks, including the National Committee for Refugees (CONARE), NGOs specializing in human rights, local churches, Migratory/Border Officials in Brazil, Special Secretary Sergio Vieira de Mello Chairs (University Chairs dedicated to expand education in international humanitarian law and international refugee law as well as to stimulate the access of refugees to higher education), UNHCR, IOM and UN Office on Drugs and Crime (UNODC).

C. Actions

- Enhance inter-agency cooperation among national stakeholders and local actors;
- improve awareness of refugee protection principles and individual rights;
- provide protection monitoring for the timely identification of asylum-seekers and refugees, as well as legal counselling;
- identify issues which require UNHCR's engagement, and support an integrated strategy to strengthen institutional protection mechanisms and to facilitate the local integration of refugees;
- improve coordination through joint activities and participation in training sessions for border officials;
- implement capacity-building initiatives in key border areas in order to report border movements on a regular basis, identify new arrivals and provide assistance to persons in need of international protection;
- disseminate information at border areas, and engage the community in refugee protection initiatives;
- raise awareness about protection issues at border points, and provide refugees with access to social promotion programmes, including education and professional training; and
- promote cross-border cooperation with protection networks in other countries in the region, and enhance regional solidarity.

D. Review

The development of protection networks is an innovative approach that brings together a diverse group of civil society actors to identify new arrivals and to address the realities and challenges of mixed flows in the border areas in Brazil. The initiative has strengthened the solidarity of support networks in Brazil. It has also strengthened cooperation across borders with protection networks in Argentina and Paraguay. Further, civil society participation in CONARE activities has increased policy coordination on refugee issues.

Establishing a common agenda helped to identify the different roles and mandates of migration/border officials and civil society actors and contributed to the effective implementation of activities. The capacity-building initiatives at border areas resulted in the development of protection-sensitive entry systems and improvement in the identification of potential asylum-seekers and other persons in need of international protection, as well as referral to UNHCR's RSD procedure.

As suggeted above, irregular travel by sea is a common, and highly visible, aspect of mixed movements. Persons traveling irregularly by sea can include refugees, unaccompanied and separated children, trafficked persons and others with specific needs. In light of the dangers inherent in such journeys, distress situations are frequent. Responses require cooperation between States and other stakeholders, not only in terms of rescue at sea operations but also in order to ensure that rescuees are disembarked at an appropriate place of safety, processed and provided with access to asylum procedures or other mechanisms to meet specific needs.

Examples of International Cooperation in the Context of Rescue at Sea Operations

Francisco y Catalina: The Spanish trawler "Francisco y Catalina" rescued 51 people (including 44 Eritreans, two Ethiopians and five persons of other nationalities) in distress on the Mediterranean Sea in July 2007. The rescue took place in international waters, on the line between the Maltese and Libyan search and rescue (SAR) zones. After high-level negotiations, a burden-sharing agreement, sponsored by the EC, was developed to allow for the disembarkation of all 51 rescuees in Malta, followed by their processing in several European countries – Spain, Italy, Andorra and Malta. Rescuees were accordingly disembarked in Malta, and from there transferred by two Spanish planes to Madrid and onwards to relevant countries for processing.

Rescue and disembarkation of 71 individuals in Sri Lanka: 71 persons (50 Myanmar nationals and 21 Bangladesh nationals) were rescued by the Sri Lankan Navy in March 2008, after they were found adrift in high seas off the island's northern district of Mullaitivu. 20 persons on the boat had died during the ordeal. The rescuees were allowed disembarkation at Sri Lanka's eastern Trincomalee harbour and attended to at the naval base there. After some initial screening by the Sri Lankan authorities, the Bangladesh nationals were returned home while the remaining rescuees were detained near Colombo. Following negotiations they were transferred to UNHCR for the processing of their asylum requests and the identification of durable solutions.

3.7. Setting up independent monitoring mechanisms

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

Establishing a system of record-keeping for new arrivals can facilitate monitoring and encourage entry officials to respect and uphold their protection-related responsibilities. Relevant information includes basic biographical details (i.e. 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 and NGOs), or any combination of these actors. An agreement outlining respective responsibilities between entry authorities and the monitoring body could be concluded, including information and data sharing, as well as 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. Such monitoring activities may include visiting 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 detailing the findings and recommendations of the monitoring mission.

Border monitoring is also a component of all of the cross-border cooperation arrangements outlined above, in this Chapter (3.6 "Ensuring cross-border cooperation on protection").

Slovenia-Croatia: The Border Monitoring Project (BMP) 2006 – Present

The Border Monitoring Project is a pilot project implemented on the Croatian/Slovenian border by the Slovene Border Police and a Slovene NGO, the Legal Information Centre for NGOs (PIC). An MOU between the Ministry of Interior, the Police and UNHCR signed in 2008 has strengthened the BMP framework by regulating cooperation, roles and responsibilities as well as working methodologies.

The main objective is to ensure that appropriate safeguards are provided to persons in need of international protection, thereby ensuring a fair and efficient asylum system and building trust between the police and NGOs in Slovenia working on asylum-related issues.

More specifically, the police inform PIC about all cases of interception of persons who express an intent to seek protection near or at the border with Croatia or at the international airport and the port. PIC monitors procedures and methods of work used by the border police to facilitate entry to the territory and access to the asylum procedure.

Annex 13 – Kogovšek, N. (ed.), *Border Monitoring Methodologies: Stakeholders' Manual for Establishing a Border Monitoring Mechanism*, Peace Institute, Slovenia 2006

UK: UK BORDER AGENCY (UKBA) INDEPENDENT CHIEF INSPECTOR 2007 – PRESENT

A. Background and Rationale

The post of Chief Inspector (CI) of the UK Border Agency (UKBA) was created as an independent office by the UK Borders Act 2007 to provide transparent assessment and monitoring of the UKBA and its services.

B. Actors

- Chief Inspector and Inspectorate; and
- UK Border Agency (UKBA).

C. Actions

The Chief Inspector has a general duty to inspect and report on the functioning of the UKBA. The CI:

- ensures the overall efficiency and effectiveness across the UKBA's operations, quality of decision making of the UKBA among its contracted partners, enforcement powers, and access to information;

- reviews the processes involved in handling individual cases, including the availability of a complaint mechanism, published service standards for responding to queries, and the actions taken to improve the response to the complaints received;
- examines the UKBA goals and programmes to determine their effectiveness and compliance with international obligations;
- monitors extra-territorial border controls; and
- conducts unannounced inspections at ports and embassies, based on the recommendations made and presented to the British Parliament.

D. Review

Although it is too early to substantively assess the added value of the CI, it is expected that it will improve the transparency, oversight and accountability of the UKBA. The CI 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, for the review of country information as part of the annual CI's report to Parliament. Such restructuring may present organizational challenges.

E. Further Information

Reports from the Chief Inspector are available at:
http://icinspector.independent.gov.uk/inspections/inspection-reports/.

USA: MONITORING IN THE CONTEXT OF THE USA "EXPEDITED REMOVAL PROCEDURE" 2005 – PRESENT

A. Background and Rationale

Since 2005, American law has allowed for the immediate removal of any person apprehended while attempting to enter the USA by means of fraud or misrepresentation, 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 deported 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 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 USA. Expedited removal is not subject to any judicial oversight, but the Government has allowed some agencies, including UNHCR, to monitor the implementation of the procedure.

B. Actors

- NGOs;
- UNHCR;
- USA Commission on International Religious Freedom (USCIRF); and
- USA Department of Homeland Security (DHS).

C. Actions

- Section 235.3 (b) of the Code of Federal Regulations requires an 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 Government with recommendations. NGOs also have access, but this is more limited.
- In 2003, UNHCR undertook and presented to the Government a monitoring study based on six months of field research at five major ports of entry. The report was followed by a series of technical meetings between UNHCR and relevant DHS agencies. A number of the recommendations were adopted.
- The Government has provided funding to a Commission with a congressional mandate to conduct monitoring of expedited removal proceedings [the USA Commission on International Religious Freedom (USCIRF)]. The Commission tasked a group of experts to prepare a comprehensive study, which was released in February 2005. The study identified significant gaps in the 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. A number of these recommendations have been taken up by the Government.

E. Further Information

Annex 14 – Code of Federal Regulations of the US, Paragraph 235.3, Inadmissible Aliens and Expedited Removal, December 2005

Annex 15 – USCIRF, Asylum-seekers in Expedited Removal, 2005

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Reception arrangements

CHAPTER 4

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Introduction

This Chapter provides practical guidance on reception arrangements for persons arriving as part of irregular mixed movements. "Reception arrangements" consist of measures adopted by a host country in order to meet the immediate needs of new arrivals. These measures are provided to all persons, regardless of status, in order to ensure their welfare until their referral to appropriate processes and procedures. This Chapter does not address medium- or longer-term arrangements that may subsequently become necessary and that vary depending on an individual's status in the host country.

Reception arrangements in the immediate period following arrival generally have two important goals:

- to address basic material and psychosocial needs of all arrivals (e.g. accommodation, food, clothing, and medical services); and
- to distinguish between various categories of persons, including persons seeking international protection and those with specific needs.

This Chapter focuses on the first goal. The second goal, which relates to the processing and procedural aspects of reception, is addressed in Chapters 5 and 6. Since reception arrangements in practice generally address both goals, the examples provided in Chapter 5 are also relevant to this Chapter.

The use of designated "reception centres", where a range of necessary services can be provided by different experts, has been a particularly useful way to manage reception arrangements for large groups and/or in locations with frequent arrivals of asylum-seekers and migrants. This can be advantageous for new arrivals, whose needs are met by qualified staff, and for the authorities, as reception centres provide an organized setting that allows them to target their responses. Depending on the specific situation, however, smaller group homes, community placements or private accommodation may be more appropriate than large reception centres.

The practical examples in this Chapter provide suggestions on the location and administration of reception arrangements, conditions and services available at reception centres (if applicable), and training of reception staff. Some of the examples provided address reception arrangements for asylum-seekers more specifically. The examples demonstrate that proper reception arrangements can reduce onward movements without recourse to detention. The examples also show the crucial role that civil society actors often play in providing services.

Operationalizing reception arrangements: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Engage with relevant actors on appropriate services needed as part of reception arrangements to address the immediate needs of all arrivals.
- Encourage the development of open reception centres with appropriate safeguards and conditions that meet human rights standards.
- If semi-open or closed reception centres are established, advocate for access by relevant international organisations or NGOs to assess protection and assistance needs.
- Provide information to all arrivals on, for example, their rights and obligations in the host country, reception arrangements, available services and legal options (including asylum procedures).
- Ensure that services provided address the immediate needs of arrivals.
- Conclude agreements and/or standard operating procedures on the roles and responsibilities of the various governmental, non-governmental and international agencies involved in reception arrangements.
- Establish monitoring mechanisms to ensure protection-sensitive reception arrangements.

Support UNHCR can provide to partners

- Advise States on appropriate legal and policy frameworks for reception arrangements.
- Assist States to establish reception arrangements that comply with international human rights standards.
- Approach donors for financial support to improve reception conditions.
- Encourage the use of open reception centres.
- Help improve reception standards by providing technical advice in cooperation with other agencies (e.g. ICRC, IFRC, IOM and UNICEF).
- Train staff involved in reception arrangements on refugee law and international protection considerations, and assist to develop standard operating procedures.
- Act as the point of referral and support for persons in reception centres who may be in need of international protection.
- Lobby for access to closed reception centres to enable new arrivals to be registered and provided with temporary documentation, especially where a high percentage of new arrivals may be refugees.

4.1. Reception arrangements provided in reception centres

The use of designated reception centres may be a useful way to meet the needs of new arrivals travelling as part of mixed movements, particularly in the event of larger numbers of, or frequent, arrivals. Note, however, that reception centres may not always be an appropriate or necessary way to provide reception arrangements, and alternatives such as smaller group homes, community placements or private accommodation may be more suitable. Where reception centres are used, the following considerations apply.

4.1.1. Location

The location of reception centres depends on the entry points and modes of transport being used by migrants and refugees travelling as part of mixed movements to arrive in the transit or destination country. The advantage of building a reception centre close to a border, port or other entry point is that it is more accessible to arrivals and authorities are better able to provide immediate assistance to them.

4.1.2. Administration

Reception centres can be managed by government authorities, NGOs and/or international agencies. Private contractors are also sometimes employed to help manage reception centres.

Support services are often provided by a number of different actors according to their respective mandates and areas of expertise. A formal agreement among various stakeholders helps to promote a consistent, coordinated and comprehensive approach to manage the centre and address the needs of arrivals. It also helps to define the roles and responsibilities of the actors and to develop standard operating procedures. Agreements can include guidelines on standards of treatment of reception centre residents and provisions for monitoring by independent entities in order to ensure compliance with human rights standards.

4.1.3. Staff training

Staff involved in the day-to-day activities of a reception centre can benefit from training on the principles of international refugee and human rights law, standards of treatment and care (e.g. cultural sensitivity and conflict management) and on how to assist persons with specific needs such as, inter alia, women at risk, unaccompanied and separated children, trafficked persons, victims of torture and trauma, and disabled persons.

4.1.4. Conditions in the reception centre

Security and respect for the dignity of all inhabitants of the reception centre are best guaranteed through, for example, limits on the number of persons accommodated in the reception centre, adequate space and privacy in sleeping arrangements, separate washing facilities for men and women, sanitary and hygienic conditions, the adoption of measures to identify traffickers and smugglers and to prevent them from entering or using the reception centre, and regular maintenance of facilities including ventilation, heating and cooling.

4.1.5. Services provided

Services that can be provided at a reception facility include: regular meals that are sufficient in quantity and that respect dietary, cultural and religious requirements; timely distribution of basic non-food items such as clothing, sanitary products, blankets, and towels; medical check-ups upon arrival, including identification and treatment of persons with acute medical needs; counselling and psychosocial assistance; information on legal options such as asylum procedures and specific procedures for persons with specific needs, such as trafficked persons, unaccompanied and separated children, and women and girls at risk.

Individuals arriving at reception centres can make better use of reception arrangements and available services if they are provided with practical information about, for example: their rights and obligations as residents of the centre; time and location of meals; facilities for religious and cultural practices; access to communication devices, including telephone, internet services and directories; and confidential and accessible complaints procedures.

4.1.6. Open, semi-open or closed reception centres?

The decision as to whether reception centres for persons travelling as part of mixed movements should be open, semi-open or closed will depend on a range of factors, including: the profile of the individuals concerned; their desired destination country; the location of reception centres; and the overall level of support services provided through reception arrangements. Provision of appropriate accommodation, support services, and access to information and counselling from the early stages after arrival may reduce the incentive to abscond from open reception centres.

Similarly, semi-open reception centres with measures to ensure ongoing presence in the centre, such as daily reporting requirements, are also effective for accommodating irregular arrivals.

Where individuals are held in closed reception centres, detention is subject to relevant legal safeguards, including under international human rights law. International legal standards provide that any decision to detain individuals is to be made on a case-by-case basis by a duly appointed authority and based on criteria established in law.[1] Any period of detention is required to be necessary and reasonable in all the circumstances, proportionate and non-discriminatory. Effective, independent and periodic review of detention by a court empowered to order release is also critical in ensuring compliance with international human rights standards. Granting competent NGOs, international organizations, lawyers and consular officials access to closed reception facilities and the opportunity to meet with individuals helps to ensure implementation of these standards in practice. It also provides individuals who wish to apply for asylum with the necessary support. Detention of persons with specific needs is never appropriate even for short periods. This applies to children, nursing mothers and women in the later stages of pregnancy, as well as persons with physical or mental disabilities or with acute medical needs.

1 See criteria in the *International Covenant on Civil and Political Rights of 1996* and the *1951 Convention* and its Protocol. See also: UNHCR's *Executive Committee Conclusion No. 44 (XXXVII) on Detention of Refugees and Asylum-seekers*, UNHCR *Note on Accession to International Instruments and the Detention of Refugees and Asylum-seekers*, 19 August 1986, EC/SCP/44, UNHCR *Revised Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-seekers*, 26 February 1999.

Alternatives to detention, such as release of recognized refugees and registered asylum-seekers to community groups, accommodation with family or friends, and church or community housing, can provide a more humane approach to managing irregular arrivals. It can also reduce the cost of maintaining detention facilities and ensure compliance with international legal standards.

4.2. Practical examples of reception arrangements

A range of more or less comprehensive reception arrangements have been adopted by different States in different regions. The following examples focus particularly on reception arrangements at points of first arrival. They show the range of services that States provide including psychosocial and medical assistance, material support (accommodation, food, clothing, non-food items), as well as access to legal assistance, cultural orientation and individual or group counselling that is age- and gender-sensitive.

4.2.1. Central America

MEXICO: ALBERGUE BELEN IN TAPACHULA
1997 – PRESENT

A. Background and Rationale

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

B. Actors

- IOM;
- Local NGOs;
- Mexican National Commission for Refugee Assistance; and
- UNHCR.

C. Actions

- The Albergue Belén provides reception services to migrants, trafficked persons and asylum-seekers. Asylum-seekers who approach either the National Commission for Refugee Assistance or UNHCR are referred to the Albergue Belén.
- The services provided in the Albergue Belén 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 asylum-seekers with specific needs, subject to the agreement of UNHCR. Food, material items and psychosocial services are also provided.

- The centre is an open facility, and migrants and asylum-seekers who wish and can afford to reside elsewhere are free to do so. The Albergue Belén has a curfew of 10:00 pm. For three hours during the day, residents are required to 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.
- Unaccompanied children can be exceptionally transferred to government or private childcare facilities which provide appropriate accommodation, access to education and health services, as well as legal advice for children seeking asylum, refugee children and those entitled to complementary protection.

D. Review

The Albergue Belén 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, Albergue Belén opened a specific area for trafficked persons. The level of the reception standards provided in the Albergue Belén has reduced the number of improperly documented individuals who abscond and move to another Mexican State.

While the Albergue Belén provides an important service for migrants and asylum-seekers at the southern border of Mexico, the centre is often unable to accommodate asylum-seekers for the entire period during which their asylum application is processed. Registration services are only available for persons seeking international protection and not for migrants. Further, unauthorized and improperly documented arrivals, including those waiting for repatriation, who are apprehended by local police or migration officials do not have access to the Albergue Belén.

E. Further information

Available at: http://www.migrante.com.mx/Tapachula.htm.

A description of the Albergue Belén and an interview with Padre Flor who runs the centre 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.

Costa Rica: Manual on Reception Procedures

The Manual has been developed collaboratively between the Ombudsman's Office, immigration authorities, UNHCR and IOM in Costa Rica. The manual establishes guidelines and pre-screening recommendations for reception arrangements of migrants and asylum-seekers, including persons with specific needs.

Annex 1 – Costa Rica, Dirección General de Migración y Extranjería, *Manual Administrativo y de Procedimientos de los Centros de Aprehensión Temporal para Extranjeros en Condiciones Irregulares*, 2008

4.2.2. Central Asia

KYRGYZSTAN: RECEPTION CENTRE FOR ASYLUM-SEEKERS IN BISHKEK 2007 – PRESENT

A. Background and Rationale

UNHCR, in collaboration with the Kyrgyz Government and State Committee for Migration and Employment (SCME), opened Central Asia's first reception centre for asylum-seekers in Bishkek, Kyrgyzstan in November 2007. The purpose of the centre is to better assist asylum-seekers who have fled from 12 different countries and particularly from the civil wars in Tajikistan and Uzbekistan.

B. Actors

- Kyrgyz Government;
- Ministry of Labour, Employment and Migration (MOLEM); and
- UNHCR.

C. Actions

The centre offer a range of services for asylum-seekers:

- temporary accommodation for at least 30 asylum-seekers (up to 100 asylum-seekers in emergency situations);
- medical care;
- common kitchen;
- food;
- showers and laundry rooms;
- equipped children's room;
- education (including language classes); and
- legal counselling.

The reception centre contains sufficient space and security measures to allow asylum-seekers to spend time both indoors and outdoors in safety and peace.

D. Review

Since its establishment in 2007, the reception centre has assisted over 300 refugees and asylum-seekers providing them with a vast array of services to develop individual skills and favour their integration capacities. The reception centre has continuously increased its services to adapt to asylum-seekers' needs and progressively extended its activities from its initial purpose of providing only emergency assistance to now also providing legal counselling, social and medical assistance, and language courses.

4.2.3. Gulf of Aden

YEMEN: THE MAYFA'A AND AHWAR RECEPTION CENTRES 1995 – PRESENT

A. Background and Rationale

The Mayfa'a Reception Centre (MRC) is a UNHCR-run facility located 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 necessary accommodation and reception services for arrivals travelling by boat from Bossasso, Somalia. The MRC is an "open centre" where individuals are free to move in and out of the facility. In 2008, UNHCR opened a second reception centre, the Ahwar Reception Centre, in Abyan Governorate. Reception services are also offered to new arrivals at Kharaz Camp.

B. Actors

- Danish Refugee Council (DRC);
- INTERSOS (an Italian Humanitarian Aid Organization);
- local NGO, Society for Humanitarian Solidarity (SHS);
- UNHCR; and
- the Yemeni coast guard.

C. Actions

- Depending on the disembarkation point and its proximity to MRC, new arrivals can be directly transported to the MRC or taken first to the transit centre in Mayfa'a Hajar.
- Accommodation, medical care and a welcome package containing practical information on the centre is provided to new arrivals. Male and female areas with separate sanitary facilities are available.
- New arrivals are provided with information on their available options namely: asylum procedures, or transfer to Kharaz Camp or to the Basateen Urban 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 DRC conducts a preliminary registration of Somalis who are recognized as refugees by the Government of Yemen on a *prima facie* basis and of non-Somalis who wish to seek asylum. Non-Somali asylum-seekers are issued a temporary protection appointment slip valid for 10 days. This allows them to approach UNHCR Offices in Aden or Sana'a for RSD 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, on their rights and obligations in Yemen. Somalis are directed to government-run, permanent registration centres that are fully supported by UNHCR, where they undergo ProGres registration and obtain a refugee identification card.
- INTERSOS identifies persons with specific needs and continues to assist them when they move to Kharaz Camp or to the Basateen settlement. INTERSOS also manages the Child Friendly Space in the centre.

- Training is provided to Yemeni coast guards on international refugee and human rights law, as well as on rescue at sea.
- New arrivals usually pass between two and five days in MRC before SHS transports them to the camp or urban area. SHS carries out logistics and distribution of material assistance to new arrivals at MRC.
- Non-Somali arrivals with specific needs who wish to seek asylum are transported to the Kharaz Reception Centre where they are processed under UNHCR mandate RSD procedures.
- The Ahwar Reception Centre operates on a similar basis to MRC. The main difference between them is that, in light of its location, new arrivals are transported directly to Ahwar Reception Centre without passing through any transit point.

D. Review

The Mayfa'a and Ahwar Reception Centres, as well as the reception arrangements in Kharaz Camp, have helped to address the immediate protection needs of, and provide basic assistance, support and information to, maritime arrivals in Yemen. They have also facilitated basic profiling exercises to better develop and tailor responses to the different needs of arriving groups. Addressing the needs of new arrivals, however, 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 makes is difficult for UNHCR staff to access the coast and provide adequate support to its partners, and medical care is limited and not always adequate in emergency cases.

Yemen: Additional Reception Arrangements

The Danish Refugee Council (DRC) and the Yemeni Red Crescent (YRC) Activities Along the Red Sea Coastline

The DRC and the YRC are engaged in protection monitoring of, and information gathering about, new arrivals along the Gulf of Aden and Red Sea coastline. Those new arrivals deemed to be most in need are identified and provided with basic material assistance. On behalf of UNHCR and the Government of Yemen, the DRC and YRC conduct initial registration of asylum-seekers and refugees as well as pre-screening of spontaneous arrivals. The presence of the DRC and other partner agencies along the Gulf of Aden and Red Sea coastline, as well as training and mass information campaigns by DRC, UNHCR and local radio stations have improved awareness and capacities of government authorities and host communities on the right to asylum, human trafficking, irregular migration and the human rights of persons on the move.

For further information on DRC activities along the Gulf of Aden, see
Annex 2 – DRC, *Horn of Africa and Yemen, Quarterly Report,* 2009.

"Empowering Yemen to Address Mixed Migration and Protection of Vulnerable Migrants Travelling through the Gulf of Aden Route"

This is a two-year project, initiated by IOM in 2009, that aims to enhance the capacity of frontline Yemeni police, immigration officials, coast guards, government agencies, international organizations and NGOs to provide assistance to the large influx of migrants and asylum-seekers who arrive in, or transit through, Yemen.

A network of focal points located strategically along the western and southern Yemini coast provide timely information and counselling to persons in need of assistance and/or international protection. This project also includes capacity-building and awareness-raising activities about human trafficking, inter-ministerial cooperation on human trafficking and a series of workshops on the identification of victims of trafficking, shelter management and medical and psychosocial recovery for trafficked persons and exploited migrants. It further aims to enhance coordination between governmental and non-governmental stakeholders to address the immediate needs of arrivals and to expand identification and referral mechanisms.

For further details, see: http://www.iom.int/jahia/Jahia/activities/africa-and-middle-east/middle-east/yemen.

4.2.4. Mediterranean region

Greece: Enhancing the Reception Capacity for Migration Flows at Border Areas ("AEGEAS PROJECT")

This project aimed to enhance reception capacities at arrival points in Greece in order to address maritime mixed movements. It involved the provision of immediate assistance to new arrivals and profiling in detention centres, as well as the referral of persons in need of international protection and those with specific needs to appropriate processes and procedures.

For further details, see Chapter 5.

ITALY: STRENGTHENING RECEPTION CAPACITY TO HANDLE MIGRANTS REACHING THE ISLAND OF LAMPEDUSA ("PRAESIDIUM PROJECT") 2006 – PRESENT

A. Background and Rationale

The "Strengthening Reception Capacity to Handle Migrants Reaching the Island of Lampedusa" ("Praesidium Project") is an initiative of the Italian Ministry of Interior. Starting in March 2006, it involves several humanitarian agencies and is designed to develop protection-sensitive reception systems for migrants and asylum-seekers arriving as part of irregular maritime movements in Southern Italy. Assistance and information services are provided in Lampedusa and other points of entry in Italy. Since March 2009, the project has been entirely funded by the Italian Ministry of Interior. Individuals arriving at the island of Lampedusa include nationals from Egypt, Eritrea, Ghana, Iraq, Nigeria, Morocco, Palestine, Tunisia and Sudan.

B. Actors

Principle partners:
- IOM;
- Italian Red Cross;
- Save the Children-Italy (since March 2008); and
- UNHCR.

Other actors involved:
- Government of Italy;
- Italian Immigration Police;
- local authorities;
- local NGOs; and
- Médecins Sans Frontières (MSF).

C. Actions

- Partners provide joint and agency-specific information leaflets (in Italian, French, English, Arabic, Amharic, Tigrinya, Bangla and Urdu) and counselling sessions informing newly arrived or rescued migrants and potential asylum-seekers of their rights and obligations.
- Partners ensure the proper identification of persons who may have international protection needs and provide assistance to persons with specific needs (e.g. women, unaccompanied children and families, trafficked persons, victims of torture and trauma).
- All actors involved work together to create an efficient referral system for groups and individuals with specific needs in the context of transfers from the arrival points to reception centres within Italian territory.
- Formal and informal on-the-job training and capacity-building activities for reception staff are provided by all agencies.
- UNHCR provides support to individuals wishing to apply for asylum and liaises with the competent police officers in order to guarantee and facilitate admission to the RSD procedure.
- UNHCR assumes responsibility for monitoring reception centres for asylum-seekers, and IOM monitors pre-removal centres where detained migrants are held pending the implementation of the expulsion order.

In 2007, a new centre was built on the island of Lampedusa to increase its reception capacity from 190 to 740 individuals. The new centre offers larger living spaces, heating and cooling systems, and a well equipped outpatient department which is open 24 hours a day.

D. Review

The Praesidium Project formed part of an innovative operational model based on partnership between national authorities, multilateral agencies and local NGOs. As a result of its success in meeting the needs of individuals and assisting the Government of Italy in managing arrivals, the Praesidium model has been extended to the Sicilian coast, South-east Italy and to Sardinia ("Praesidium II"). The project was further extended to Bari, Crotone, Foggia and Sardinia to address the increase in irregular sea arrivals in Calabria and Sardinia ("Praesidium III"). The project is currently in its fourth phase ("Praesidium IV").

Access to, and information provided by, individuals accommodated in the reception centres has led to a better understanding of the mixed movements in this region of the Mediterranean. The training provided to Italian border officials has improved their understanding of, and ability to, identify protection concerns. The presence of IOM and UNHCR at reception facilities has ensured that all arrivals are provided with relevant information and that they are referred to appropriate differentiated processes and procedures.

The project's future development is, however, uncertain due to a substantial change in the Ministry of Interior's policy vis-à-vis irregular maritime arrivals in early 2009. This new approach contains a number of restrictive measures, such as the creation of a detention centre for expulsion in Lampedusa and interdiction of boats transporting migrants and asylum-seekers on the high seas and returning them to Libya. These measures are likely to change the administrative and operational framework of the Praesidium Project.

In addition, it must be underlined that irregular migration to Southern Europe in particular decreased in 2009 and 2010. Available data indicate that sea arrivals in Italy will have decreased by as much as 80 per cent in 2010. Such a situation has consequences on the Praesidium Project. The project nevertheless provides an important model to be replicated elsewhere in order to address mixed movements.

E. Further information

Annex 3 – Agreement between the Ministry of Interior and UNHCR regarding the joint activities of the Ministry of Interior and UNHCR in Lampedusa

Annex 4 – Tennant, V. and Janz, J., *UNHCR, Refugee Protection and International Migration: A Review of UNHCR's Operational Role in Southern Italy*, UNHCR, 2009

Annex 5 – Médecins Sans Frontières, *Over the Wall: A Tour of Italy's Migration Centres*, 2010

MALTA: BILATERAL AGREEMENT BETWEEN THE GOVERNMENTS OF MALTA AND THE NETHERLANDS - COOPERATION FOR CAPACITY BUILDING ON RECEPTION ARRANGEMENTS 2005 – 2006

A. Background and Rationale

Responding to Malta's call for European solidarity to address the challenges arising from the high number of maritime arrivals, 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 reception arrangements for undocumented migrants and asylum-seekers.

B. Actors

- Emigrants Commission (Maltese NGO);
- EC;
- Government of Malta: Organization for the Integration and Welfare of Asylum-Seekers (OIWAS, now AWAS) within the Ministry of the Family and Social Solidarity and the Ministry for Justice and Home Affairs (MJHA);
- Government of the Netherlands: Dutch Central Organization for the Reception of Asylum-seekers (COA); and
- UNHCR.

C. Actions

The project has two main objectives, as outlined below.

1) Improve reception arrangements:

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

2) Relocate from Malta to the Netherlands:

- In 2005, 36 individuals who had been granted refugee status in Malta were transferred to the Netherlands;
- UNHCR provided recommendations on the criteria and procedures for the transfer of refugees; and
- other countries (i.e. Germany, Ireland, Lithuania, Portugal and France) also offered a limited number of places for the relocation of refugees from Malta.

D. Review

The project is a useful example of close and effective inter-State cooperation. It combines capacity-building activities, as well as the relocation of refugees from Malta to other States in an exercise of burden sharing. Relocation arrangements from Malta for an additional 255 refugees have been developed under the 2010-2011 EUREMA Project (Pilot Project for Intra-EU relocation from Malta), which involves cooperation among 11 EU Member States as well as UNHCR and IOM. Further, the upcoming Mare Nostrum Project, led by the Italian Ministry of Interior in collaboration with IOM and MJHA, will provide better operational assistance at reception centres to persons in need of international protection (e.g. by establishing common practices and procedures in Italy and Malta, and providing legal information, cultural and job orientation, and medical assistance).

E. Further information

Annex 6 – UNHCR Report on the Malta-The Netherlands Responsibility-sharing exercise, 10 April 2007

Annex 7 – Cameron, B., *Asylum Policy in the European Union: An Examination of the Reception Conditions and Housing Facilities for Asylum-seekers in Malta*, 2010

Malta: The Coordination and Provision of Welfare Services in Closed Centres (COPE)

COPE is a pilot project that was implemented in Malta from October 2008 to November 2009. The project aimed to provide a mechanism to improve the provision of social welfare services to improperly documented individuals in closed centres.

Activities included: developing counselling methods and intervention strategies to address psychological needs; providing care to persons with specific needs; developing a profiling tool to identify employment and educational skills for men and women in closed centres; offering gender-sensitive counselling sessions; developing a training programme, including language and skills training; providing recreational activities; and offering cultural orientation sessions.

The objective was to facilitate the integration of migrants and refugees into society once released.

4.2.5. Southern Africa

SOUTH AFRICA: STRENGTHENING RECEPTION CAPACITY IN MUSINA, 2009 – PRESENT

A. Background and Rationale

Since 2008, the town of Musina, in the Limpopo province of South Africa, has witnessed a considerable influx of Zimbabwean refugees, migrants and asylum-seekers. The movement is caused, inter alia, by the deterioration of the situation in Zimbabwe as well as the opening of the Department of Home Affairs (DHA) Refugee Reception Centre at the Musina Showgrounds in July 2008. Estimates of the number of persons registering for asylum through DHA in Musina ranged from 300 to 400 per day. Faced with a situation of almost crisis proportion, UNHCR and partners developed a number of responses building on local initiatives.

B. Actors

- UNHCR, UNICEF, and IOM;
- Médecins Sans Frontiers (MSF), Save the Children-UK, Jesuit Refugee Service;
- local NGOs, namely Lawyers for Human Rights (LHR), Musina Legal Advice Office (MLAO) and local faith based organizations; and
- South African public authorities: DHA, the Department of Social Development (DSD), the South African Police Service (SAPS), and the Musina Municipality.

C. Actions

- Provide asylum and migration-related information as well as information on services available in Musina (e.g. accommodation, access to health care, etc.);
- open two transitional shelters – one for women, the other for men;
- open a shelter for victims of sexual and gender-based violence (SGBV) and women at risk, and develop an informal referral and reporting mechanism; and
- provide accommodation to unaccompanied minors, and establish standard operating procedures for the assistance of unaccompanied minors.

D. Review

The situation in Musina was viewed initially as a short-term emergency. However, the number of arrivals has remained constant since March 2009. While the shelters provide essential services, conditions remain basic and significant improvements are still required in particular at the shelter for minors. There was improvement in the assistance provided by the DSD thanks to the strong mentorship provided by UNICEF and Save the Children-UK. Several task teams and reviews mechanisms were established by UNHCR and its partners, and basic requirements were established for the local organizations running protection programmes and shelters in Musina in order to ensure that international standards were met.

4.2.6. South-eastern Europe

EASTERN EUROPE: INCREASING PUBLIC HEALTH SAFETY ALONGSIDE THE NEW EASTERN EUROPEAN BORDER LINE (PHBLM) 2007 – PRESENT

A. Background and Rationale

The Increasing Public Health Safety Alongside the New Eastern European Border Line (PHBLM) Project aims to support appropriate health care as a fundamental human right for undocumented individuals entering the EU from its eastern borders. The objective is to minimize public health risks, and enhance the ability of border management and public health staff to address the health needs of migrants in detention.

B. Actors

- University of Pécs, Hungary;
- Andalusian School for Public Health;
- European Centre for Disease Prevention and Control (ECDC);
- FRONTEX;
- IOM;
- World Health Organization (WHO); and
- targeted countries (Hungry, Poland and Slovakia, as well as Romania).

C. Actions

- Provide a situational analysis of the current public health conditions and border management procedures along the eastern border of the EU.
- Improve access to health care for migrants in detention centres.
- Develop a training course for border officials and health professionals of the targeted countries.
- Establish minimum public health standards and propose structural changes for existing border management detention procedures.
- Develop guidelines for public health in the context of border management and detention, changes to the regulations relating to hygiene construction regulations, detention conditions, communication channels, and capacity of health/public health services in the border regions of the targeted countries.
- Disseminate lessons learnt to relevant public health and migration authorities of the targeted countries.

D. Review

Based on the situational analysis of the magnitude and nature of the current health hazards in border management and detention centres, training modules on migration and the right to health were developed for health-care professionals to ensure that public health concerns, health needs and the rights of migrants entering the EU along the eastern border line are adequately addressed.

E. Further information

Available at: http://www.migrant-health-europe.org/.

See also *Caring for Trafficked Persons: Guidance for Health Providers*, 2009, available at: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=1&products_id=510.

Albania: Transit Reception Facilities

Transit reception facilities have been established at 17 border crossing points in Albania. The "Unified Pre-screening Tool" is an operational tool used to identify and channel asylum-seekers, trafficked persons and economic migrants into appropriate processes and procedures.

For further details, see the Unified Pre-screening of Detained Migrants/CARDS Project in Chapter 5.

TURKEY: "SATELLITE CITIES" - THE TURKISH EXPERIENCE 1987 – PRESENT

A. Background and Rationale

The Turkish Government began implementing "Satellite Cities" in 1987 as a model to facilitate the release of asylum-seekers from detention centres pending determination of their status. The system is designed to accommodate asylum-seekers and refugees who are monitored by the Turkish police. There are currently 30 designated satellite cities in Turkey that receive asylum-seekers on a regular basis.

B. Actors

- Minister of Interior, Turkey (MOI);
- Turkish police and detention staff; and
- UNHCR.

C. Actions

- An asylum-seeker who applies for asylum while in detention is reported to the MOI. The MOI then instructs local staff to process the asylum application.
- Local staff conduct RSD interviews with asylum-seekers in detention centres and send their files to the MOI which then issues instruction to the local authorities to transfer the asylum-seeker to a designated satellite city within 15 days.
- The asylum-seeker is notified in writing by the local police of his/her transfer to a satellite city, and the written notification serves as a travel permit for the transfer to the satellite city.
- The released asylum-seeker is required to register upon arrival with the police at the designated satellite city and must subsequently present him/herself to the police on a regular basis.
- Once the asylum-seeker is released, s/he receives counselling and is informed about the next steps in the asylum procedure. The asylum-seeker is issued a residence permit, which serves as proof of legal residence in the country and entitles the holder to access all State basic services such as health, social assistance, and education.
- The asylum-seeker is free to choose his/her own accommodation and is entitled to work in the satellite city.
- UNHCR staff visit each satellite city to counsel asylum-seekers and to meet with the police and all relevant authorities, such as the Education Department, the State social assistance organizations, hospitals, schools, NGOs, etc.

- UNHCR has NGO partners in 26 satellite cities that provide support services to asylum-seekers. UNHCR also maintains an inter-active website which allows asylum-seekers to check their asylum applications and provides telephone counselling, as needed.

D. Review

The model of satellite cities allows for the release of asylum-seekers from detention and provides them with access to social services while in designated areas. It has reduced the stigma associated with detention, while ensuring that authorities retain control. Police actively monitor the asylum-seekers through regular reporting requirements either on a daily or weekly basis.

Although the system does not ensure freedom of movement throughout the country for asylum-seekers, it is nonetheless a preferred alternative to detention. If the released asylum-seekers wish to leave the satellite city for any reason, they need to request a travel permit from the Aliens' Police Department. In principle, asylum-seekers are entitled to work in the designated satellite city. However, obtaining a work permit is cumbersome and cultural and language barriers make it difficult for asylum-seekers to access the labour market.

E. Further information

Annex 8 – UNHCR, "Satellite Cities" as an Alternative to Detention: the Turkish Experience

Council of Europe: Questionnaire and Draft Guidelines for Monitoring Visits by Parliamentarians

The Questionnaire and Draft Guidelines for Monitoring Visits by Parliamentarians is a useful tool when visiting holding centres for irregular migrants and asylum-seekers in Europe. It highlights the types of issues that need to be examined in the context of monitoring reception centres established in response to the large influx of irregular movements.

Annex 9 – Council of Europe, "Draft guidelines for parliamentarians when monitoring holding centres for irregular migrants and asylum seekers", 2007

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Mechanisms for profiling and referral

CHAPTER 5

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Introduction

Mechanisms to differentiate between various categories of persons soon after they arrive in a host State can facilitate management of mixed movements, especially those involving large-scale arrivals. Such mechanisms can ensure that asylum-seekers and other individuals with specific needs are quickly identified and their needs are addressed. They can also help reduce the number of individuals inappropriately channelled into asylum procedures. In addition, the information gathered through these mechanisms can be used to facilitate individual processing, as well as to inform the development of more strategic responses to mixed movements in specific contexts. (See Chapter 2 for further information.)

The 10-Point Plan uses the term "profiling and referral" to refer to such a mechanism. In other contexts, it has also been called "screening", "pre-screening" or "identification procedures".

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 persons travelling as part of mixed movements as soon as possible after they arrive in the host State. Its core elements include providing information to new arrivals, gathering information through questionnaires and informal interviews, establishing a preliminary profile for each person, and counselling and referring individuals to the authorities or procedures that can best meet their needs and manage their cases.

Dividing persons into different categories (e.g. asylum-seeker, "woman-at-risk", trafficked person, unaccompanied/separated child) requires caution. Categories are not mutually exclusive. Individuals may have multiple needs, and the identification of these various needs, especially in the immediate post-arrival phase, can be challenging. For a variety of reasons, individuals may not always be forthcoming with information and/or self-identify with any particular category or group. An environment of trust, confidence and transparency where individuals know what they can expect and where service providers have adequate capacity to assist arrivals is a necessary pre-condition to an effective profiling and referral exercise. Even where such an enabling environment exists, profiling in the immediate post-arrival phase may wrongly categorize individuals or not identify all of their needs. This possibility needs to be accounted for by allowing for persons to be referred to more appropriate procedures at any stage during processing. Further, the process of categorizing different groups of arrivals should not detract from the development of measures to protect the human rights of all persons without differentiation. Profiling and referral is only a tool to enable responses to be better targeted towards needs within existing international and national standards.

Profiling and referral can be more or less complex, depending on the situation and available resources. A simple profiling and referral exercise can be undertaken in any protection-sensitive entry procedure, generally by the "first contact" entry officials. (See Chapter 3.) In some countries, more developed mechanisms for profiling and referral have been established, where entry officials are assisted by experts or expert teams from relevant international organizations and NGOs.

Profiling and referral is often undertaken as part of initial reception arrangements described in Chapter 4. It is also closely linked to the differentiated processes and procedures outlined in Chapter 6. Accordingly, Chapters 4, 5 and 6 of this 10-Point Plan should be consulted together.[1]

1 The practical examples contained in this Chapter include recommendations made at the "10-Point Plan Expert Roundtable No. 2 "Different People – Different Needs", held in Tunis in July 2009. The recommendations made at the roundtable as well as other related document are available at: http://www.unhcr.org/4ae6cb069.html.

Operationalizing mechanisms for profiling and referral: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Engage with law enforcement, civil society and international agencies to develop appropriate mechanisms to identify the immediate and longer-term needs of new arrivals.
- Encourage the development of teams with members who bring different expertise (i.e. entry officials, NGOs and international agencies) to support the profiling and referral of large numbers of persons arriving as part of mixed movements.
- Develop standardized questionnaires to conduct profiling and referral.
- Provide counselling, inform new arrivals of their rights and obligations, and provide them with the contact details of all organizations that provide support services such as psychosocial and medical assistance.
- Gather information to establish a profile of individuals, including migratory routes, means of transport, family members undertaking the journey, reasons for leaving the country of origin and intended destinations. (For confidentiality and data protection standards, see Chapter 2.)
- Conduct a case analysis to determine possible protection or other special needs of individuals, and coordinate with relevant actors to provide assistance and protection.
- Refer individuals to the appropriate response mechanism (e.g. asylum procedure, child protection system, processes for trafficked persons and women and girls at risk, assisted voluntary return (AVR) programmes, etc.).

Support UNHCR can provide to partners

- Engage in a dialogue with government authorities and other stakeholders, including international agencies and partner NGOs, on the potential benefits of profiling and referral and the specific arrangements that could be necessary and appropriate in the particular context.
- Participate in multi-agency response teams to ensure the identification of persons who may have international protection needs and other persons with specific needs.
- Provide operational guidance regarding protection-sensitive responses to the arrival of larger numbers of persons travelling as part of mixed movements.
- Compile information, including country of origin information, and help develop standard operating procedures and standardized questionnaires.
- Provide expert advice where profiling and referral is carried out by governmental bodies or other stakeholders, and work closely with partners to help identify persons of concern to UNHCR.
- Provide training on asylum and refugee issues for profiling authorities.
- Develop guidelines to identify persons with international protection needs.

Note: Generally, UNHCR should not be the sole agency involved in conducting profiling and referral, given that the process is conducted prior to asylum procedures and is designed to engage and assist all persons in mixed movement situations, whether they need international protection or not.

5.1. Profiling

5.1.1. Providing information

Providing general information to new arrivals helps to establish trust, manage expectations and orient them within their new environment.

Information leaflets are a useful tool to explain the obligations and basic rights of arrivals in the host country, the different processes and procedures available (including the right to seek asylum), and anticipated timeframes for processing, in a manner that is gender- and age-sensitive. Information leaflets are also a simple way to provide clear, practical information about available legal and other support services, such as a list of lawyers offering pro bono services, telephone numbers of consulates, NGOs and/or toll-free hotlines for direct assistance.

Data collected about various groups making up the mixed movement can be used to ensure that relevant information is provided in appropriate languages. Where language barriers and illiteracy are of concern, information leaflets could also include drawings or figures or be supplemented with pre-recorded video or audio presentations, or with live briefings by government authorities or other agencies. It may also be useful to set up information points in reception centres with representatives from the government, international agencies or NGOs on-site to respond to questions and to provide further details on the material distributed.

Examples of Information Leaflets for Asylum-seekers

- The Romania National Council for Refugees issues an information leaflet on asylum applications.

For further details, see: http://www.cnrr.ro/.

- UNHCR-Morocco issued a "Guidebook for Asylum-seekers in Morocco". The Guidebook provides information on the RSD procedure in Morocco and an emergency number to call for assistance. The Guidebook is available in English, French and Arabic.

Annex 1 – UNHCR Morocco, "Guidebook for Asylum Seekers in Morocco"

- In Ukraine, the leaflet "Refugee Status in Ukraine" provides information on the asylum procedure and contains a refugee status application form and a list with contact addresses of government agencies and support services. The leaflet was jointly developed and published by the Ministry of Interior, the State Committee for Nationalities and Migration and the State Border Guard Service. It is printed and available at border points.

Annex 2 – State Committee of Ukraine for Nationalities and Migration, Leaflet on "Refugee Status in Ukraine"

- In Yemen, UNHCR issued a series of information leaflets under the framework of the Yemen Mixed Migration Task Force to inform asylum-seekers and refugees of their rights and obligations and available support services.

The information leaflets are available at:
http://www.mmyemen.org/resources;jsessionid=9D22C2BC9FB6D51D01486B347D85953B.

- The UNHCR-Zambia published an information leaflet on "Refugee Status in Zambia". The leaflet is in a question and answer format and provides information on the current asylum procedure, the rights and obligations of asylum-seekers and refugees and available support services in Zambia.

Annex 3 – UNHCR Zambia, Leaflet on "Refugee Status in Zambia"

5.1.2. Gathering information

Profiling provides an opportunity to collect information from individuals travelling as part of mixed movements at an early stage. While this information can be used to establish individual preliminary case profiles (as outlined below), when collated and analysed it also provides significant data on the overall group that can enhance the efficiency of subsequent responses to mixed movements, including asylum procedures and other processes, as well as broader strategy and policy development.

In order to facilitate the information-gathering process, individuals can be asked to respond to simple, standardized questions about their background and reasons for moving by filling out questionnaires. The accuracy and comprehensiveness of the information provided can be enhanced if trained staff are available to help people complete the questionnaires. In certain contexts, it may be more appropriate or effective to gather this information in a profiling interview, which may include specific questions adapted to the group and the context. Consistency and coherence between interviews can be best ensured if the staff conducting the profiling interviews maintain a careful record of the information they provide to interviewees, and the responses and other statements made by the individuals concerned.

UNHCR/IOM Joint Profiling Questionnaire

The UNHCR/IOM Joint Profiling Questionnaire was developed in the context of the 10-Point Plan Expert Roundtable No. 2 "Different People – Different Needs" held in Tunis in July 2009. It includes questions to establish the individual profile of asylum-seekers, refugees and migrants, migratory routes and experiences, case analysis, and indicators for referral to support services based on the category of identification.

Annex 4 – UNHCR/IOM Joint Profiling Questionnaire

For further details on the Expert Roundtable, see:
http://www.unhcr.org/4ae6cb069.html.

Note: An adapted version of the questionnaires is already in use in, for example, the Republic of Belarus and the Ukraine. It is available at:
http://unhcr.org.ua/main.php?article_id=172&view=full.

The questionnaire is also used in Costa Rica (See Example Box, Costa Rica: Pre-screening Panel).

Inter-agency Registration Form for Unaccompanied and Separated Children

An Inter-agency Registration Form for Unaccompanied and Separated Children was included as an Annex to the *UNHCR Guidelines on Formal Determination of the Best Interests of the Child*, May 2006 (Provisional Release).

This form is in the process of being updated.

Annex 5 – "Best Interest Determination Inter-Agency Registration Form for Unaccompanied and Separated Children"

5.1.3. Establishing a preliminary profile

Information provided in profiling questionnaires or during interviews can be used to establish a preliminary profile of each person travelling within mixed movements. These preliminary profiles are intended to identify both immediate needs that may require urgent attention and longer-term processes and procedures that may be available to provide the individual with an appropriate outcome. Profiles are not necessarily mutually exclusive and could include:

- asylum-seekers;
- asylum-seekers and refugees who have moved from their first country of asylum;
- persons who may be victims of human trafficking or torture;
- unaccompanied and separated children;
- women and girls at risk;
- stateless persons;
- persons with physical and mental disabilities and older persons;
- persons with other specific needs;
- persons seeking to join their families (in the host country or in a third country);
- persons whose movement is primarily motivated by economic concerns; or
- persons who voluntarily express a wish to return to their country of origin.

5.2. Referral

5.2.1. Counselling

After a person's profile has been established, this assessment is discussed with the individual and s/he is counselled on all of the options available. This does not create any binding obligations for the individual. Instead, counselling aims to provide advice to individuals so that their expectations remain realistic and they can determine 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. As noted above, it is important that counselling be provided by trained staff and that staff retain a careful record of the information or advice provided to the interviewee, as well as any statements or explanations given by that individual.

Profiling and referral is a non-binding process: it does not replace RSD, nor is it a de facto RSD procedure without or with limited procedural guarantees. 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 movement, to provide new arrivals with information, to manage expectations, and to facilitate early identification of protection and other needs.

5.2.2. Referral systems

After counselling, a person can 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 applicable processes and procedures, as well as practical examples are outlined in Chapter 6.

5.2.3. Protecting personal data

Confidentiality and security guidelines apply to all personal information, including questionnaires and other records. Ensuring the confidentiality of information provided during profiling mechanisms, whether through a questionnaire or in informal interviews, also establishes an environment of trust and allows individuals to provide sensitive information without fear of negative repercussions. (See Chapter 2 for data protection standards.)

Where appropriate, the information gathered during profiling and referral may be forwarded to government agencies, NGOs or international organizations for use in subsequent processes and procedures. Any transfer of information is subject to informed consent of the individual concerned. Individuals should also be informed that the information they provide during profiling may be used in subsequent procedures and that they should be as accurate and truthful as possible during the interview process. Further, the sharing of personal data for subsequent procedures, such as registration, should be subject to an agreement ensuring that data protection safeguards are in place.

Model Agreements on the Sharing of Personal Data

Two Model Agreements on the Sharing of Personal Data – in the context of registration and in the context of RSD – were developed in August 2009 by UNHCR to ensure that the sharing of any personal data obtained during registration procedures with governments is subject to data protection standards, including the informed consent of the person concerned. Personal data is only shared upon written request by a government authority and subject to the conditions in the agreements.

Annex 6 – UNHCR Model Agreement on the Sharing of Personal Data with Governments in the Context of Registration, August 2009

Annex 7 – UNCHR Model Agreement on the Sharing of Personal Data with Governments in the Context of Hand-over of the Refugee Status Determination Process, August 2009

5.3. Practical suggestions for implementing profiling and referral mechanisms

Where can profiling and referral be conducted?

Profiling and referral can be conducted at a border or coastal entry point, in group reception facilities or in detention centres. (See Chapter 4 for details on reception facilities.) Expert profiling teams can also be deployed on a temporary basis to various locations according to need in the particular circumstance.

When can profiling and referral be conducted?

The objective is to complete the profiling and referral process as soon as possible after arrival so as to allow for the rapid identification of individual needs. The process can be completed within a short time. The recommended profiling time is between 30 minutes and a few hours per person.

Who can carry out profiling and referral?

Profiling and referral can be carried out by "first contact" entry officials who have been trained in interviewing techniques and identification of needs, and who are familiar with available follow-up processes and procedures. (See Chapter 3 for further information.) The process can also be carried out by a team of experts drawn from government authorities, international agencies and partner NGOs with relevant mandates and expertise.

Joint profiling teams, with male and female staff from different backgrounds, can help ensure that individual needs are accurately identified and enhances the legitimacy of the process.

In general, host government authorities should be part of profiling teams.

Transnational NGO Cooperation in Differentiation, Refugee Identification and Vulnerability Evaluations for Referral (DRIVE)

DRIVE was launched in early 2010 by the International Catholic Migration Commission (ICMC). DRIVE involves collaboration between civil society actors, national authorities and regional and international actors to develop appropriate protection-sensitive responses to address mixed maritime movements. It aims to ensure that persons who may be in need of protection are properly identified and provided with support. It also seeks to strengthen international networking between NGOs and to develop a compilation of good practices, training material and practical differentiated and referral mechanisms for persons arriving as part of mixed movements in Greece, Italy, Malta and Spain.

For further details, see: http://www.icmc.net/article/need-ensure-reception-identification-and-referral-boat-people-urgent.

ALBANIA: UNIFIED PRE-SCREENING OF DETAINED MIGRANTS/CARDS PROJECT 2001 – 2006

A. Background and Rationale

In 2001, the Albanian Office for Refugees (AOFR) of the Ministry of Local Government signed a MOU with UNHCR, OSCE, IOM and the International Catholic Migration Commission (ICMC) to establish the "Unified Pre-Screening of Detained Migrants" Programme.

The objective of the project was to rapidly identify asylum-seekers, victims of trafficking and persons who wished to return to their country of origin among improperly documented individuals in Albania. In 2003, the programme was renamed the "Community Assistance for Reconstruction, Development and Stabilization" (CARDS) Project. In 2006, the programme was entirely handed over to the Albanian Border Police.

B. Actors

- Albanian Government Office for Refugees (AOFR) and, since 2006, the Directorate for Nationality and Refugees (DfNR);
- Albanian Border Police;
- EC;
- ICMC;
- IOM;
- OSCE; and
- 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 by providing first-aid items, such as food, medicines and blankets to persons in detention centres, and provided preliminary information to the PST.
- The PST was contacted by the law enforcement authorities whenever an unauthorized and/or improperly documented individual was identified.
- The PST interviewed individuals and counselled them on the available options. The interviewers used a standardized pre-screening form which helped them to differentiate persons according to the following categories:
  a) asylum-seekers (transferred to the Babrru National Reception Centre for Asylum-seekers (BNRC) to have their asylum claims examined, in the presence of UNHCR);
  b) trafficked persons and persons requesting voluntary repatriation (transferred to the Linza NRC where IOM was present); and
  c) other migrants (who remained in police custody).
- Information leaflets, translated into 16 languages, were made available both in BNRC offices and in transit reception areas at all border points.
- A video on the pre-screening procedures was developed, and a media kit was distributed to UN agencies and NGOs dealing with migrants.
- UNHCR produced a poster and a "calling card" that was distributed at border checkpoints.

D. Review

Although only a limited number of persons were processed under this project, it developed an innovative model for profiling and pre-screening which received the support of many regional and international agencies. The MOU allowed all involved parties to have confidence in the 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 in Albania for an extended period of time.

In 2006, the programme 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 likely to have been in need of international protection who were not identified by authorities through the programme.

E. Further Information

Annex 8 – MOU on Unified Pre-Screening of Foreigners between ICMC, IOM, OFR, OSCE and UNHCR, 2001

Annex 9 – Briefing Note: Pre-screening of Asylum-seekers and Migrants in Albania, April 2006

ALGERIA: PROTECTION OF DETAINED REFUGEES AGAINST DEPORTATION AND *REFOULEMENT* 2009 – PRESENT

A. Background and Rationale

UNHCR developed a project in 2009 aiming at enhancing the protection space in Algeria given the lack of recognition by the government of mandate refugees. The project intended to provide timely intervention for refugees in Algeria who are arrested for illegal entry or stay in the country and to prevent their deportation and/or *refoulement* back to their countries of origin.

B. Actors

- Lawyers; and
- UNHCR.

C. Actions

The project has three primary components.

- A hotline was established to enable refugees and asylum-seekers to contact UNHCR and the protection unit, in the event of an arrest, imminent deportation or other protection urgency. The hotline is available 24 hours a day every day of the week. The hotline number is communicated to all persons of concern upon the registration interview and as part of the counselling provided by the Office. Further, brochures including the Office's services, address, contact numbers and hotline number in addition to details of the operating implementing partners and their contacts are widely disseminated.
- Partnership with the LADDH (Ligue Algérienne de Defense des Droits de l'Homme) ensures that experienced and trained lawyers intervene with relevant authorities on behalf of arrested refugees. UNHCR is negotiating expansion of the project in order for the lawyers to cover the whole Algerian territory.
- Channels of direct contact with police officers, police stations and gendarmerie have been ensured through UNHCR's interventions and follow-up. This provides the Office with the opportunity to sensitize governmental officials to asylum issues and even impede arrests of persons of concern. Further, the subject of asylum gains visibility through the lawyers' interventions and audiences with the judges and in courts and, as a result, can lead to greater recognition of UNHCR registration documents.

Capacity-building activities also help improve the knowledge of judges and police officers about international refugee and human rights law, including the principle of *non-refoulement*, and Algeria's international obligations in this regard.

D. Review

Since the implementation of this project, directly through UNHCR and through the lawyers' interventions, there has been a decrease in the numbers of deportations, *refoulement* and arrests. POCs that are arrested on the ground of illegal entry and/or stay in Algeria are being released from detention centres following legal interventions by the lawyers and UNHCR staff members.

No recognized refugees are being deported. Furthermore, a direct channel of communication between police officers and UNHCR has been established. The Office receives calls and letter requesting confirmation and/or authentication of UNHCR registration attestations and their validity in order to release the beneficiaries. Occasionally, judges contact UNHCR directly to confirm the identity and status of the arrested persons. UNHCR's prompt and accurate follow-up to all queries has been a major element in establishing trust.

UNHCR's visibility on the majority, if not all, of the detention/arrests of POCs has improved. The lack of human resources in the UNHCR Office in Algiers and lack of funding to develop a network of lawyers is a key challenge. Conducting field visits to assess and monitor the conditions of migrants, their knowledge of UNHCR presence and accessibility to it, remains a challenge. Access to various parts of the country where there is a wide concentration of asylum-seekers, refugee and migrants is difficult and challenging.

CANADA: CANADIAN RED CROSS "FIRST CONTACT" PROGRAMME 2008 – PRESENT

A. Background and Rationale

The Canadian Red Cross "First Contact" Programme provides refugee claimants with access to emergency assistance, information and referral through a 24/7 multilingual phone line. The programme has been implemented in detention facilities where asylum-seekers are detained in Canada. Red Cross access to provincial facilities and the availability of the First Contact Programme, however, vary from facility to facility.

B. Actors

- Canadian Red Cross;
- Canada Border Services Agency (CBSA); and
- Citizenship and Immigration Canada (CIC).

C. Actions

- Provide accurate, timely information to incoming callers on the process of a refugee claim, how to apply for legal aid or social assistance, as well as how to find affordable housing and secure employment;
- refer to settlement agencies, legal, paralegal, health, government and other services and resources;

- provide emergency services to refugee claimants with emergency shelter, transportation and food for up to 72 hours after making a refugee claim; and
- provide services in over 15 languages, including English, Spanish, Cantonese, Mandarin, Punjabi, Farsi, Dari, and French.

The Canadian Red Cross has been working closely with the CIC and the CBSA. It also promotes a protective environment for immigration detainees by providing independent monitoring of detention conditions.

D. Review

Thus far, the First Contact Programme has been implemented in Vancouver and Toronto. The CBSA intends to work with the Red Cross on the expansion of the programme. However, in some provinces, it is difficult to negotiate access to detention facilities.

The CBSA and CIC in Vancouver have agreed to provide claimants at all ports of entry, in detention, and at CIC offices with a Red Cross card, which includes contact information of the First Contact Programme. Inland claimants can also access the service through community agencies.

The CBSA is committed to implementing the First Contact Programme in all CBSA facilities. It has, as a matter of policy, posted the 1-800 CBSA number in the common areas of CBSA detention facilities so that detainees have easy access to this information. The CBSA will also pursue access for Red Cross Detention monitoring teams in the context of its negotiations for formal agreements with all Provincial Correctional Services.

E. Further Information

Available at: http://www.redcross.ca/article.asp?id=32552&tid=001.

Costa Rica: Pre-screening Panel

A Pre-screening Panel in Costa Rica, comprised of IOM, the Ombudsman's Office and UNHCR under the leadership of the Costa Rican Immigration Authorities is tasked with assessing individual needs of asylum-seekers, extra-regional migrants, trafficked persons and other persons travelling irregularly. UNHCR and IOM helped to develop a pre-screening tool to identify persons in need of protection or special assistance (see Tool Box, UNHCR/IOM Joint Profiling Questionnaire). Positive results obtained from the pre-screening panel have led Costa Rican authorities to systematically seek collaboration with UNHCR and IOM, particularly to address extra-regional mixed movements.

ECUADOR: ENHANCED REGISTRATION PROJECT 2009 – PRESENT

A. Background and Rationale

The Enhanced Registration Project is a joint initiative between the Government of Ecuador and UNHCR, which aims to register previously undocumented refugees living in Northern Ecuador, to identify vulnerabilities among the displaced population, and to expedite access to legal protections through an accelerated asylum process.

B. Actors

- Government of Ecuador; and
- UNHCR.

C. Actions

- A large-scale refugee registration project was launched to shorten the waiting period for a government decision on asylum claims from several months to a few hours.
- Mobile teams comprised of officials from the Ministry of Foreign Affairs and UNHCR staff traverse difficult terrain in Northern Ecuador to reach refugees, including children, women and elderly persons.
- UNHCR provides technical and logistical support as well as training to mobile teams on refugee determination procedures.
- Recognized refugees are provided with an official government document certifying their status as refugees. In cases requiring further analysis, the person is provided with a provisional document confirming his/her status as an asylum-seeker.
- The provision of documents provides legal protection to persons who were living in remote areas without access to the asylum system. It also allows for free movement and access to social assistance, health care, schools and other services.

D. Review

Registration is a vital step towards formal recognition of refugee status. Many refugees living in the remote border areas in Northern Ecuador were unable to access asylum procedures in urban areas either because of a lack of resources and information or due to their fear of detention or deportation. Taking the registration to the field is an innovative initiative which has resulted in more than 26,000 Colombian refugees receiving identity documents.

Although the Enhanced Registration Project is a tool developed to address a refugee situation, the approach developed could also be used for the identification of asylum-seekers and persons with specific needs among a residual group of improperly documented non-nationals.

E. Further information

A description of the project is available at: http://www.unhcr.org/4bbb0e0a9.html.

FRANCE: STRENGTHENING ACCESS TO ASYLUM PROCEDURES IN THE CALAIS REGION 2009 – PRESENT

A. Background and Rationale

For a number of years, refugees and irregular migrants have congregated in the Calais coastal region in France with the hope of crossing over to the UK. The majority comes from Afghanistan, Sudan, Iraq, Iran, and Eritrea and stays in the Calais region in particularly precarious conditions. As most migrants and refugees foresee entry into the UK, few asylum claims are traditionally made in France. The French Government in cooperation with UNHCR and a range of other actors have developed a number of measures to strengthen access to the asylum procedure in the Calais region.

B. Actors

- French Government and local authorities [including the Ministry of the Interior, the Calais sous-préfecture, and the Office Français de l'Immigration et de l'Intégration (OFII)];
- local implementing and operational partners (France Terre d'Asile, Secours Catholique and other local NGOs);
- IOM; and
- UNHCR.

C. Actions

- Improve "physical access" to asylum procedures via the opening of a "guichet asile" in Calais;
- establish a full-time UNHCR presence in Calais, together with the NGO France Terre d'Asile;
- gather information to establish individual profiles of persons in Calais, including migratory routes, reasons for leaving the country of origin and intended destinations;
- organize daily information sessions for asylum-seekers and migrants in the Calais region and distribute information leaflets;
- provide individual counselling and inform new arrivals of their rights and obligations in France;
- counsel and refer individuals to appropriate response mechanisms [e.g. RSD, national child protection system, specific procedures for trafficked persons, assisted voluntary return (AVR) programme (IOM/ OFII)];
- assist asylum-seekers in their asylum claims and related legal procedures;
- identify persons with specific needs including unaccompanied and separated children (UASC) who are referred to the French UASC national protection system;
- provide expert advice and training on asylum and refugee issues to governmental and non-governmental partners; and
- foster networking among NGOs.

D. Review

Recent initiatives have improved access to information and counselling and have led to an increase in asylum claims: since the opening of the *"guichet asile"* in Calais in May 2009 to date (30 June 2010), 456 improperly documented persons have claimed asylum in Calais. However, access to migrants, refugees and asylum-seekers remains difficult and, although asylum-seekers are legally entitled to accommodation, many are homeless due to saturation of the French reception system. In addition, about 15-20 per cent of the persons are reportedly UASCs. Their situation is a source of concern, as they are at risk of abuse, exploitation, violence and trafficking. Specific reception measures are therefore needed to address their needs.

E. Further information

UNHCR, "UNHCR Draws Road Map to Help People out of Calais 'Jungle'", 17 July 2009, available at:
http://www.unhcr.org/print/4a6091846.html.

UNHCR, "Jungle is Empty, but UNHCR Still Helps Migrants in Northern France", 17 November 2009, available at:
http://www.unhcr.org/print/4b02d4fc9.html.

UNHCR, "Out in the Cold: Migrants and Asylum-seekers Find Life Increasingly Hard in Calais", 2 February 2010, available at:
http://www.unhcr.org/print/4b6850016.html.

GREECE: ENHANCING RECEPTION CAPACITY FOR MIGRATION FLOWS AT BORDER AREAS ("AEGEAS PROJECT") 2008 – 2009

A. Background and Rationale

The Enhanced Reception Capacity for Migration Flows at the Border Areas of Greece ("AEGEAS Project") aims to enhance the reception facilities and services at several arrival points of the Greek border areas, such as in the Islands of Lesvos, Chios and Samos and the area of Evros, in order to address the influx of maritime and land mixed movements. The border locations were chosen because of the large number of migrants and asylum-seekers arriving without having their immediate needs assessed. All persons arriving by boat were previously detained and their specific needs were not identified.

The AEGEAS Project was initiated in February 2008 and carried out jointly by the Greek Government (several ministries), local authorities from the communities concerned and UNHCR-Greece. The AGEAS Project was completed in September 2009.

B. Actors

- Local Assistance Teams (LATs);
- Ministry of Merchant Marine;
- Ministry of Public Order;
- Prefectures of Samos (project coordinator), Lesvos, Chios and Evros; and
- UNHCR.

C. Actions

- A model response has been developed to respond to mixed movements in Greece, particularly to address the immediate needs of sea arrivals.
- A steering group was created, thereby improving coordination at the local level among different communities and between the local and central levels of government.
- LATs were established at detention facilities tasked with identifying asylum-seekers and other persons with specific needs and referring 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 from 01 May 2008 to 15 September 2009 resulted in the following:
  - 293 asylum applications were submitted by asylum-seekers referred to the asylum procedures;
  - 2,582 unaccompanied children were identified and transferred from detention centres to reception centres;
  - trafficked persons and victims of torture were identified, their immediate medical needs were addressed and they were referred to expert organizations in Athens;
  - pregnant women were given special care and medical interventions were undertaken, when necessary; and
  - follow-up with the Police Directorate continued in an effort to release families from detention centres.
- Assistance has been provided to 24,769 beneficiaries (17,211 men, 3,115 women and 4,443 children).
- Long-term support structures for groups with specific needs, including women, children, trafficked persons and victims of torture, have been improved through appropriate referral mechanisms.
- Capacity building with local authorities, including police, coast guard, prefecture, municipality and hospital staff, on key asylum and migration issues, including human rights issues, has been carried out.
- Sufficient interpretation services have been made available in detention centres for the first time.

D. Review

The establishment of LATs and the profiling and referral structures was an innovative model in Greece. As a result of the AEGEAS Project, detention conditions for asylum-seekers and migrants have improved. With financial and political support, the project could be replicated at other border locations to address the needs of all maritime arrivals.

E. Further Information

Annex 10 – AEGEAS Project Summary, 2009

PANAMA: IDENTIFYING ASYLUM-SEEKERS IN RECEPTION FACILITIES AND DETENTION 2009 – PRESENT

A. Background and Rationale

Panama hosts refugees and asylum-seekers coming from a number of countries, such as El Salvador, Cuba, Nicaragua, and in particular from Colombia. In 2009, the National Migration Service opened new, gender-sensitive detention facilities for improperly documented arrivals in Panama City. These facilities are regularly monitored by UNHCR, its local implementing partners, and other national institutions. The objective is to identify persons in need of international protection, release them from detention and refer them to the competent authority for access to the asylum procedure.

B. Actors

- Centro de Asistencia Legal Popular - Legal Aid Program for Refugees (CEALP);
- National Migration Service of Panama and the Ombudsperson's Office's Specialized Unit for Refugees and Migrants (Ombudsperson's Office);
- Oficina Nacional Para Atención a los Refugiados - National Office for the Attention of Refugees (ONPAR);
- Red Cross Society of Panama;
- Vicariato de Darién (VIDA); and
- UNHCR.

C. Actions

- UNHCR conducts regular monitoring visits at the National Migration Service's reception and detention facilities in Panama City and the border region to identify and follow up on individual cases of persons in need of international protection.
- Material assistance (e.g. hygiene kits) is provided at shelter facilities in Panama City and the border region.
- With the support of UNHCR, ONPAR has designated female RSD/Legal Officers to this project in Panama City and in the border region with Colombia. It has also developed referral mechanisms to direct persons with specific needs requiring specialized attention to public institutions and/or national NGOs.
- Pursuant to a cooperation agreement between UNHCR and the Ombudsperson's Office, joint monitoring missions are conducted in the border region.
- Individual cases are referred to CEALP's Legal Aid Program for Refugees and the Ombudsperson's Office.

D. Review

The project is an example of effective cooperation between the Panamanian Government, NGOs and international organizations to identify and address the needs of persons in need of international protection in Panama.

UNHCR does not have a presence at entry points in the border region. However, monitoring missions, and the support provided to ONPAR in the appointment of personnel to border reception centres, facilitates asylum-seeker access to the territory and to the RSD procedure. Lack of access by UNHCR at the International Airport in Panama City remains a concern to be addressed.

Cooperation agreements with ONPAR and monitoring of the National Migration Service detention centres, with the objective of identifying possible cases of concern to UNHCR, facilitate access to RSD procedures and the release of persons of concern from detention facilities. In general, the National Migration Service respects the legal prohibition on sanctions for illegal entry of asylum-seekers. In the early stages of the admissibility phase of the asylum procedures, ONPAR provides asylum-seekers with certification of their status minimizing the risk of detention and *refoulement*.

TURKEY: PRE-SCREENING, AD HOC PROFILING AND REFERRAL EXERCISES IN DETENTION CENTRES 2004 – 2005

A. Background and Rationale

In July 2005, UNHCR and the Foreigners Department of the General Directorate for Security under the Ministry of Interior (MOI) jointly screened a group of 39 migrants detained in the coastal city of Izmir who claimed to be from African countries (Somalia, Algeria, and Mauritania). At the conclusion of previous profiling exercises, the two parties had agreed on terms of reference "[t]o conduct a joint screening of persons in detention to identify any individuals seeking asylum in line with the applicable international legal standards". Note: 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), Aydin (19-20 June 2006), Aydin (28-29 September 2006), Izmir (05-06 October 2006).

B. Actors

- Foreigners, Borders and Asylum Department of General Directorate for Security (Ankara and Izmir) (MOI); and
- UNHCR.

C. Actions

- Prior to the interviews, UNHCR staff briefed their national MOI counterparts on the objectives of the interviews and relevant country of origin information.
- Each individual was interviewed by the UNHCR team (eligibility staff and an interpreter) following a standard survey questionnaire drafted specifically for the profiling project. Questions included basic biographical data, mode of transportation, routes followed, motivation for departure, possibility for safe return to countries of origin and wish to apply for asylum. The interviews were conducted in the presence of the MOI staff in order to avoid duplication of interviews for the national asylum procedure.
- The profiling mechanism enabled UNHCR and MOI to distinguish two groups: persons wishing to apply for asylum and persons not seeking international protection. Asylum-seekers were referred to the RSD procedure, run by MOI and UNHCR, while others remained in police custody and were processed by Turkish authorities as "irregular migrants". Special safeguards for the protection of one separated child in the group were monitored throughout the process.

D. Review

The Izmir profiling project was the fourth in a series of ad hoc profiling and referral exercises conducted by UNHCR and MOI in Kusadasi and Hattay/Antakya in 2004 and in Edirne in 2005. The Izmir joint screening exercise incorporated the lessons learned

from these earlier efforts. It demonstrated that UNHCR and the national authorities can engage in constructive cooperation in screening efforts. In addition to the identification of persons of concern to UNHCR, the joint screening exercise promoted understanding of refugee law principles among the MOI staff involved. National authorities acknowledge the need to improve physical facilities to support the carrying out of screening processes and facilitate access to legal assistance.

Ukraine: Asylum Information Point ("Light Box") and Posters in Kyiv Airport

An asylum information point ("Light Box") and posters containing promotional material and information in different languages for refugees were placed in the arrival area at the Borispol International Airport in Kyiv to provide arrivals with information before they passed immigration control cabins. They aim to provide practical information to asylum-seekers who intend to apply for asylum in Ukraine and serve as a reference when approaching border guards for asylum. The posters are placed on the desks where arriving individuals fill in immigration cards.

Annex 11 – Ukraine Asylum Light-Box

Annex 12 – Posters available at immigration desks at airport in Kyiv

Zambia: Migration Support Centre in Churundu

This Migration Support Centre in Churundu, Zambia is managed by IOM. IOM, inter alia: assists migrants with specific needs during interviews; collects and analyses data on travel routes across the highly frequented border towns between Zambia and Zimbabwe; identifies and refers asylum-seekers to UNHCR; provides direct assistance to migrants with specific needs, including trafficked persons and migrants with HIV/AIDS, to address their immediate needs; provides counselling and information on health, safe migration, human trafficking and migrants' rights; and assists the most vulnerable Zimbabweans who wish to return home. While the current referral procedure of asylum-seekers is based on an informal arrangement between UNHCR and IOM, close collaboration with IOM staff and the use of information brochures (provided in Annex 15 and 16) ensures identification of asylum-seekers. Similar support centres run by IOM can be found in other countries.

For further details, see:
http://iom.org.za/site/index.php?option=com_content&task=view&id=62&Itemid=67.

Annex 13 – UNHCR and Government of Zimbabwe - Border entry point information leaflet for asylum-seekers in Zimbabwe

Annex 14 – UNHCR and Government of Zimbabwe - Induction information leaflet for asylum-seekers and refuges in Zimbabwe

UNHCR 10-Point Plan on Refugee Protection and Mixed Migration

The 10-Point Plan Schematic Representation of a Profiling and Referral Mechanism in the context of mixed movements is illustrated in Annex II of the 10-Point Plan.

Annex 15 – Schematic Representation of a Profiling and Referral Mechanism in the Context of Addressing Mixed Migratory Movements attached to the 10-Point Plan of Action, 2007

Summary: Profiling and Referral

Core Elements:

- **Provide information** by distributing information leaflets or other material containing factual information about the situation of arrivals in the host country and available options;
- **gather information** from arrivals by completing basic questionnaires and/or by arranging individual interviews by trained staff;
- **establish a preliminary profile** for each person within different categories and, for some individuals, within more than one category (i.e. asylum-seekers, persons moving for work or family reasons, unaccompanied and/or separated children, trafficked persons, etc); and
- **counsel and refer** to differentiated procedures, such as RSD procedures for asylum-seekers, support services for direct assistance for trafficked persons, child protection systems for unaccompanied and separated children, or legal migration channels for labour migrants and for voluntary return.

Key Characteristics:

- **Non-binding**, two-way, informal;
- **undertaken at or soon after arrival** in the host country, prior to any other processing;
- **age, gender and diversity sensitive**;
- completed within a **short time period**;
- **carried out by** an expert profiling team or by persons who ordinarily have "first contact" with irregular arrivals (e.g. border or immigration officials, NGOs with relevant expertise, or international agencies); and
- **personal data is only shared** with authorities as part of follow-up processes and procedures if the individual provides his/her informed consent.

Key Goals:

- **Ensure that irregular arrivals are provided with accurate information** and informed as early as possible about the options available to them;
- **identify and differentiate between the needs of various categories of persons** travelling within mixed movements;
- **counsel persons who are not in need of international protection** about the limits of applying for asylum, ensure that they have realistic expectations, and refer them to appropriate alternative procedures; and
- **provide authorities with information about the group** as a whole, which can also be used to establish a more strategic response to mixed movements.

Differentiated processes and procedures

CHAPTER 6

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Introduction

The 10-Point Plan recommends the establishment of differentiated processes and procedures for various categories of persons travelling as part of mixed movements. This allows tailored and appropriate responses to be provided according to the respective needs and profiles of the persons involved.

The range of more or less formalized procedures that can be made available depends on the profile and numbers of arrivals, the legal framework and socio-economic capacity of the host country, and the support of the international community. Procedures can include inter alia:

- asylum procedures for persons seeking international protection;
- special protection mechanisms for trafficked persons;
- child protection systems;
- family tracing;
- procedures to identify women and girls at heightened risk;
- support for persons with physical and mental disabilities, individuals who have experienced torture or trauma, and elderly persons;
- avenues for regularization in the host country or migration options that facilitate the onward movement of persons in search of economic opportunities and those who wish to join their families abroad;
- assisted voluntary return (AVR) for those who are neither in need of international protection nor have compelling humanitarian reasons to stay in the host country and who wish to return to their countries of origin; and
- compulsory return for persons without international protection needs as a measure of last resort.

The objectives and outcomes of these processes and procedures differ: not all are geared towards legalizing a person's stay in the host country. As this list suggests, not every person can be provided with a "positive" outcome that meets his/her aspirations. However, establishing alternative procedures, in addition to asylum procedures or return, can assist authorities to manage mixed movements fairly, address any immediate needs of arrivals and facilitate longer-term solutions. From a protection perspective, the capacity to identify specific needs and to direct individuals who are not seeking international protection to alternative mechanisms can contribute to more effective and efficient asylum procedures.

As mentioned in Chapter 5, while the categorization of different groups of people can be a useful tool to ensure that responses to mixed movements are more effectively targeted, categorization is not an end in itself. Persons travelling within mixed movements may have multiple needs and fit into several categories. For example, trafficked persons and unaccompanied or separated children may also need international protection. In such cases, asylum procedures can be conducted alongside other processes, including support and services to meet immediate needs. New categories of needs may also arise after arrival. For these reasons, it is appropriate for responses ultimately to be informed by a person's individual needs, rather than according to their categorization. Establishing well-functioning referral systems between different processes and coordination mechanisms between all relevant actors (e.g., government agencies, NGOs, international organizations, legal advisors, social workers, health care providers) will increase

the likelihood that the most appropriate outcome is provided for each individual. Irrespective of the category/ies into which a person falls, every person is entitled to be treated in a humane and dignified manner, consistent with international human rights standards.

This Chapter provides examples of a number of procedures, including asylum processes and procedures to identify the needs of children, women at heightened risk and trafficked persons. The asylum examples focus on State procedures but also include UNHCR's own RSD mechanisms. The processes and procedures presented are not exhaustive. Additional mechanisms may exist in some countries.

Mechanisms to address immediate medical and psychosocial needs, which are generally components of reception arrangements, are outlined in Chapter 4. Longer-term solutions, including local integration, legal onward movement and return, are outlined in Chapters 7, 8 and 9 respectively.

Operationalizing differentiated processes and procedures: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Encourage and facilitate the development of legal and policy frameworks for the protection of refugees, children, women and girls at heightened risk, trafficked persons, and other persons with specific needs.
- Develop specific child protection systems; conduct a "best interests determination" as soon as possible to ensure that all action taken is in the child's best interests.
- Develop family tracing mechanisms with a particular focus on unaccompanied children.
- Develop procedures for identifying women and girls at risk, and address their specific protection needs.
- Identify trafficked persons, and establish a coordinated system to assess their international protection needs.
- Develop case management and procedural tools to increase the efficiency of the asylum process by, for example, undertaking caseload analysis, analysing country of origin information and developing suitable accelerated procedures with full respect for the principle of *non-refoulement*.
- Ensure that all processes and procedures are sensitive to age, gender and diversity.
- Establish mechanisms for coordination between different stakeholders and for cross-referral between processes and procedures.

Support UNHCR can provide to partners

- Raise awareness about the protection needs of different categories of persons travelling as part of mixed movements.
- Support States, other international organizations, and relevant NGOs in establishing or strengthening differentiated processes and procedures.
- Provide advice and support on asylum procedures, consistent with its supervisory role under Article 35 of the 1951 Convention (on an ad hoc basis or through a formal consultative processes).
- Develop, together with relevant partners, standard operating procedures to enhance cooperation and coordination.
- Identify and protect refugees, children of concern, trafficked persons, women and girls at (heightened) risk, and other persons with specific needs where UNHCR is undertaking screening and RSD.
- Assist with the development of case management tools, and support asylum procedures in emergency and large-scale influx situations.

6.1. Child protection systems

Children make up a significant proportion of those travelling as part of mixed movements and are often exposed to a wide range of protection risks.

A comprehensive "child protection system" consists of laws, policies, structures, procedures and practices that are designed to respond to the specific needs of children and prevent child abuse, neglect, exploitation and violence. Instead of treating each category or form of risk for children separately (e.g. child trafficking or separation from family members), an effective child protection system considers all the risks faced by children in a holistic and comprehensive manner. It is important that the various elements of the child protection system are complementary and coordinated across a range of sectors.

National child protection systems are most effective when they provide non-discriminatory access to all children within the jurisdiction of a State – including victims of trafficking, refugee and stateless children. Child protection systems are particularly important for unaccompanied/separated children and/or children seeking international protection. Relevant processes and procedures to assist children travelling as part of mixed movements can include mechanisms to address the child's immediate needs, the appointment of a legal representative and/or guardian, age assessments, family tracing and identification of a solution based on a "best interests determination". Child-friendly interviews conducted by experienced staff can help, inter alia, to identify possible cases of trafficked children and facilitate family reunification. They can also be used to inform children of their rights, including the right to seek asylum. Coordination and referral mechanisms between the child protection system and asylum procedures are important to ensure that the international protection needs of children are recognized and met. (See also child repatriation in Chapter 9.)

COUNCIL OF EUROPE: LIFE PROJECTS PROGRAMME 2009 – 2010

A. Background and Rationale

On 12 July 2007, the Council of Europe Committee of Ministers adopted the Recommendation on Life Projects for Unaccompanied Migrant Children ("the Recommendation"). The Recommendation promotes "life projects" as a tool to ensure that all decisions and actions relating to unaccompanied children are based on the best interests of the child and geared towards ensuring his/her protection, safety and personal development.

The objectives of the programme are to ensure social integration, to enhance personal and cultural development, to provide adequate housing, health care, education, and vocational training, and to consider future employment of unaccompanied children.

Life projects promote open dialogue with unaccompanied children to better inform best interests determinations. Every life project is based on a comprehensive, integrated and multidisciplinary approach, taking into account the specific needs of the child. An agreement between the guardian of the particular unaccompanied child and the competent authority provides the parameters for projects to develop and strengthen the necessary skills of the child to ensure that s/he becomes an independent, responsible and active member of host communities.

Andorra, Belgium (Walloon Region), France and Italy funded the implementation of these life projects at the national level for the period 2009-2010.

B. Actors

- European Committee on Migration; and
- participating countries (namely Andorra, Belgium, Bulgaria, Spain, France, Italy, Norway, Netherlands, Portugal and Switzerland).

C. Actions

- Promote the implementation of life projects at the national level through pilot tests;
- inform and train national experts and professionals to provide advice on the policy objectives and practical application of life projects to government officials in participating countries;
- identify examples of good practice for addressing the needs of unaccompanied children at the national level, and develop techniques to address common challenges;
- prepare leaflets on the risks associated with the cross-border movement of unaccompanied minors and the benefits of life projects;
- develop a training manual based on lessons learned to be used as a practical tool to implement life projects; and
- develop measures to extend the experience of implementing life projects in participating countries to other Council of Europe Member States confronted with the phenomenon of the cross-border movement of unaccompanied minors.

D. Review

The endorsement by the Council of Europe has led to the implementation of life projects in a number of countries. The initiative is seen as contributing to the identification of durable solutions for unaccompanied children themselves and for Council of Europe Member States. Since participating countries have different capacities and legislation in place, it has been difficult to ensure systematic implementation of the life projects. The evaluation of pilot tests at the national level, however, has sought to establish a common methodology that can be used as a practical standard-setting tool in all Member States.

E. Further Information

Annex 1 – Council of Europe, Explanatory Memorandum to the Recommendation CM/Rec(2007)9 of the Committee of Ministers to Member States on Life Projects for Unaccompanied Migrant Minors, 2007

See also: http://www.coe.int/t/dg3/migration/Activities/Mg_s_mna_en.asp.

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

A. Background and Rationale

Unaccompanied children make up a considerable percentage of persons arriving as part of mixed movements across Mexico's southern border. Some are fleeing domestic or other types of violence in their home countries; others are en route to join family members, often in the USA. Some are refugees, but are unlikely to know of their right to seek asylum. Unaccompanied children are among the groups most at risk, including particular risks of abuse and human trafficking, in the region.

To address the large number of unaccompanied children on the move, the Government of Mexico, with the assistance of international agencies, established:

- the Inter-institutional Roundtable on Unaccompanied Children and Women Migrants; and
- Child Protection Officers (CPOs).

B. Actors

- Agencies in Mexico (namely the Department of Family Development, Mexican Commission to Assist Refugees, National Human Rights Commission, National Institute for Migration, Secretary of Health, Secretary of Public Education, Secretary of Social Development);
- IOM;
- UNICEF;
- UNIFEM; and
- UNHCR.

C. Actions

Inter-Institutional Roundtable

- The Inter-Institutional Roundtable was established in March 2007 by the Under-Secretary for Population, Migration and Religious Affairs at the Mexican Ministry of Interior. The members of the Roundtable include government officials and international organizations with an interest in migration.
- A technical group within the Roundtable identifies priorities, proposes joint action and coordinates strategic activities to be discussed during Roundtable meetings.
- The Roundtable meets regularly in Mexico City to evaluate inter-institutional strategies and coordination mechanisms in relation to unaccompanied children and women migrants.
- The Roundtable serves as a platform to exchange information and agree upon policies and mechanisms to guarantee the rights and protection of unaccompanied children and women migrants.
- The Roundtable played a critical role in establishing a corps of Child Protection Officers (CPOs), including through assistance with their training.

CPOs

- The Government of Mexico, with the support of UNHCR and IOM, appointed 68 CPOs in early 2007 to serve as focal points for unaccompanied children. The CPOs are a corps of migration officials who work within the National Institute for Migration.

- CPOs undergo specialized training and are tasked with providing holistic assistance to unaccompanied children. Their responsibilities include: informing children of their rights, including their right to seek asylum; identifying children who may be in need of international protection and referring them to the proper procedures; and following cases to their conclusion.
- IOM and UNHCR are involved in training and capacity-building courses at the National Institute for Migration for CPOs.
- UNHCR has held a number of training sessions for the CPOs, including sessions on identifying potential international protection needs, developing skills to interview children, best interests determination procedures, and proper channelling of children to the relevant government agencies and UNHCR. UNHCR has designated staff to serve as CPO focal points.
- Key actors from government and international organizations jointly drafted a flowchart on the protection of unaccompanied children to serve as a model to improve identification and referral to appropriate channels.

D. Review

Since 2007, the number of CPOs has increased from 68 to 327. Their presence along the entire southern Mexican border has led to an increase in the number of successful asylum claims made by unaccompanied children in Mexico and to a reduced risk of trafficking, abuse and exploitation of children. The fact that the CPOs form part of the National Institute for Migration facilitates access to information on unaccompanied children. However, their position as migration officials and members of the agency tasked with controlling access to the territory and effecting deportations, at times, has hindered their independence and weakened their ability to advocate on behalf of the children in their care.

The Inter-institutional Roundtable has brought together a number of key actors to address the protection needs of unaccompanied minors. The Roundtable provides a venue for information sharing and collaboration between actors, as well as follow-up advocacy and outreach activities in cooperation with a civil society anti-trafficking network working along the southern Mexican border.

E. Further Information

Annex 2 – Child Protection Officers, Protection Model for Unaccompanied Children and Adolescents – Informational Sheet

Annex 3 – Excerpts from Mexico's Administrative Instruction regarding Child Protection Officers within the National Institute for Migration (Circular: INM/CCVM/CRII/00325), 2009

Annex 4 – UNICEF, *Protecting Children Migrating Alone – Challenges and Advances in Mexico*, 2009

Annex 5 – UNHCR, *The International Protection of Unaccompanied or Separated Children Along the Southern Border of Mexico, 2006-2008*, 2008

USA: NEW PROTECTION FOR TRAFFICKED AND UNACCOMPANIED ALIEN CHILDREN 2008 – PRESENT

A. Background and Rationale

The USA Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) in 2008, authorizing new measures to combat human trafficking. The TVPRA, inter alia, extended interim benefits and assistance to child trafficking victims. It also included a number of provisions related to the processing of unaccompanied children arriving in the USA.

B. Actors

- Administration for Children and Families (ACF);
- Department of Homeland Security (DHS);
- Department of Health and Human Services (HHS);
- HHS Anti-Trafficking in Persons Division (ATIP); and
- Office of Refugee Resettlement (ORR).

C. Actions

With respect to children, the TVPRA:

- exempts trafficked children from the requirement to cooperate with law enforcement in order to receive a temporary residence permit (T-visa);
- implements screening procedures to ensure that unaccompanied children from contiguous countries have had the opportunity to access the asylum procedure and receive protection against trafficking before being considered for voluntary repatriation;
- provides assistance to presumed trafficked children equivalent to that made available to refugee children for a period up to 90 days (which may be extended for an additional 30 days);
- ensures that children with Special Immigrant Juvenile Status (SIJS) visas are eligible for certain services (e.g. shelter, medical care, assistance with pro bono legal services, and other support services);
- enhances protection and safety assessments for unaccompanied children during repatriation procedures; and
- authorizes HHS to appoint child advocates for vulnerable children and mandates that HHS ensures safe placements in the best interests of the child pending immigration proceedings.

D. Review

The TVPRA extends certain benefits to unaccompanied children who have been identified as trafficked or at risk of trafficking. HHS is responsible for providing training to federal, State and local officials to improve identification and protection of trafficked children. The TVPRA also includes a number of provisions relating to the processing of unaccompanied children arriving in the USA. The effectiveness of some of the arrangements adopted as part of the TVPRA is still to be assessed.

E. Further information

The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 is available at: http://www.justice.gov/olp/pdf/wilberforce-act.pdf.

EU: Comprehensive Indicators for the Protection, Respect and Promotion of the Rights of the Child

The EU Agency for Fundamental Rights (FRA) developed the Comprehensive Indicators for the Protection, Respect and Promotion of the Rights of the Child in the EU (the Comprehensive Indicators) as an initial toolkit to evaluate the impact of EU law and policy on children's status and experience. The Comprehensive Indicators complement and build on previous efforts to develop child indicators at the EU level which extend across specific areas of substantive law and policy, including migration and asylum issues.

Annex 6 – Developing Indicators for the Protection, Respect and Promotion of the Rights of the Child in the European Union: Summary Report, 2009

West Africa: Model Bilateral Agreement on Cooperation and Mutual Legal Assistance to Protect Children from Transnational Border Trafficking

The Model Bilateral Agreement on Cooperation and Mutual Legal Assistance to Protect Children from Transnational Border Trafficking in West Africa (the Agreement) was developed by UNICEF in 2004. The Agreement emphasizes that the best interests of the child are a paramount consideration and provides for cooperation and mutual legal assistance on identification, care, rehabilitation, family reunification, social reinsertion and repatriation of trafficked children, as well as with the investigation and criminalization of child trafficking, the prosecution of traffickers of children and ancillary proceedings related to the crime of child trafficking. The relevant protection clauses demonstrate that child protection systems are essential to prevent child trafficking and facilitate assistance to rehabilitate trafficked children.

Annex 7 – UNICEF Regional Office for West and Central Africa, Model Bilateral Agreement on Cooperation and Mutual Legal Assistance in Protecting Children from Trans-border Trafficking, August 2004

See also: Chapter 9 – Programme for the Protection and Reinsertion of Isolated Children in the Transnational Context of West Africa, 2005 – 2011.

Action for the Rights of Children (ARC) Resource Pack

Action for the Rights of Children (ARC) Resource Pack was developed in 2009 through collaboration between various international organizations.

The toolkit provides information and training materials to strengthen the capacity of humanitarian actors to:

- tackle the root causes of specific risks faced by children;
- build effective child protection systems for use in emergencies and long-term development; and
- ensure that activities do not inadvertently compromise the rights or safety of children.

The training modules cover the following themes: abuse and exploitation; education; children with disabilities; sexual and reproductive health; landmine awareness; unaccompanied and separated children; and children associated with armed forces or armed groups.

The ARC Resource Pack is available at:
http://www.unhcr.org/refworld/publisher/ARC.html.

Inter-agency Guiding Principles on Unaccompanied and Separated Children

The Inter-agency Guiding Principles on Unaccompanied and Separated Children were developed in 2004 by a group of international organizations and NGOs.

They provide a comprehensive protection framework to address the rights and needs of unaccompanied and separated children, based on international human rights, humanitarian and refugee law. They also provide guidance on the development of mechanisms for support and coordination between different stakeholders to best address the needs of children and illustrate good practice based on lessons learned. They focus on a variety of issues, from assisting children during emergencies to family tracing and reunification.

Annex 8 – Inter-agency Guiding Principles on Unaccompanied and Separated Children, 2004

Manual on Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors

The Manual on Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors was produced by IOM as part of the project "Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied Minors", which aimed to improve the efficiency of national agencies and service providers in addressing the needs of unaccompanied minors.

The project used a "bottom-up" approach, gathering information from "first contact" service providers to inform policy makers in the six participating countries. As a result of the project, cooperation and information exchange increased between government agencies in the participating countries and a manual on best practices and recommendations was published to inform policy debate and legislative developments.

Annex 9 – IOM, *Exchange of Information and Best Practices on First Reception, Protection and Treatment of Unaccompanied minors: Manual of Best Practices and Recommendations*, 2008

Separated Children in Europe Programme (SCEP): "Statement of Good Practice"

The Separated Children in Europe Programme (SCEP) developed a "Statement of Good Practice" to reflect the dynamic progression of human rights and related issues concerning separated children. It provides a comprehensive set of principles and good practice recommendations and serves as a framework for action and advocacy to implement policies and practices relating to separated children.

Annex 10 – Save the Children, UNHCR and UNICEF, *Statement of Good Practice*, 4th Edition, 2009

6.2. Family tracing

Family members can become separated during travel for a number of reasons. While family tracing is relevant for all family members, regardless of age, it is of utmost importance for unaccompanied children, including children seeking asylum. Family tracing usually leads to family reunification; however, safeguards are needed to ensure that children are not returned to a family or custodial situation where they would face abuse or neglect.

ICRC/IFRC Support in Restoring Family Links

For more than one hundred years, the ICRC has been working in close collaboration with Red Cross and Red Crescent national societies to help individuals restore family links. In order to fulfil this objective, relevant agencies collect information about missing persons, exchange family updates, and develop tools to allow individuals to determine the whereabouts of family members (e.g. through the transmission of documents, telephone services, and purpose-built websites). The ICRC also supports mechanisms to clarify the fate of persons who remain unaccounted, registers and tracks individuals, and issues travel documents and attestations to facilitate the reunification of family members.

Annex 11 – Guiding Principles/Model Law on the Missing - Principles for Legislating the Situation of Persons Missing as a Result of Armed Conflict or Internal Violence: Measures to Prevent Persons from Going Missing and to Protect the Rights and Interests of the Missing and Their Families, 2009

ITALY: IOM PROJECT ON FAMILY TRACING OF UNACCOMPANIED MINORS 2008 – PRESENT

A. Background and Rationale

The Project on Family Tracing of Unaccompanied Minors ("Project on Family Tracing") assists the Committee for Foreign Minors in Italy to find sustainable solutions for unaccompanied minors based on the principles of the best interests of the child and family unity.

B. Actors

- Committee for Foreign Minors within the Ministry of Social Affairs, Labour and Solidarity in Italy;[1]
- consular representatives of the countries of origin of the unaccompanied minors;
- Italian local administrations and civil society; and
- IOM in both Italy and in countries of origin.

C. Actions

- Raise awareness and disseminate information on the protection and assistance available in Italy to unaccompanied minors and all relevant actors working at the local level;
- implement family tracing schemes, based on the profile of the child and the information provided by the Committee for Foreign Minors;

1 The Committee for Foreign Minors is an inter-ministerial body (of which UNHCR is a member) which addresses the needs of children who find themselves in Italy without the care and representation of parents or other legal guardians and who are not seeking asylum.

- decide on family reunification or other solutions based on the outcome of the family tracing scheme, country of origin information and the best interests of the child;
- support the family reunification of unaccompanied children and/or foster care placements with responsible authorities through coordination with existing structures;
- provide financial support depending on the type of reintegration assistance (e.g. education and/or labour reintegration assistance) chosen by the minor; and
- develop an individual education and/or labour reintegration plan in collaboration with the minor, according to his/her expectations and skills, based on information collected by IOM missions and in cooperation with the family of the minor.

D. Review

The Project on Family Tracing contributes to finding sustainable solutions for unaccompanied children and providing them with safety and protection. The establishment of a coordination network in the country of origin (or a relevant third country) helps support family tracing activities and provide assistance on foster care issues for the reintegration of minors returning from Italy. Collaboration between the Committee for Foreign Minors and local agencies that provide assistance to unaccompanied foreign minors in Italy has helped in the provision of assistance and protection to unaccompanied minors. However, there is a need to harness the full potential of civil society to advocate for better assistance to unaccompanied minors in Italy.

E. Further Information

Annex 12 – European Migration Network, *Unaccompanied Minors: Quantitative Aspects and Reception, Return and Integration Policies: Analysis of the Italian Case for a Comparative Study at the EU Level*, 2009

Inter-agency Child Protection Information Management System: Database

In 2005, Save the Children (STC), the International Rescue Committee (IRC) and UNICEF developed the Inter-Agency Child Protection Information Management System – Database ("the inter-agency database").

The inter-agency database promotes a coordinated approach in order to gather information for family tracing and reunification from rapid registration, tracing, verification, reunification and follow-up activities. It promotes best practices by using standard forms and guiding principles developed by the Inter-agency Working Group on Separated Children. In addition to family tracing activities, the database also serves as a case management and information management tool.

The inter-agency database has been used by international and national NGOs and governmental organizations in 13 countries, namely Burundi, Central African Republic, Chad, Côte d'Ivoire, Guinea, Indonesia, Kenya, Liberia, Myanmar, Nepal, Sri Lanka, Sudan, Uganda.

For further information, see:
http://www.crin.org/bcn/details.asp?id=19085&themeID=1005&topicID=1032.

6.3. Procedures for identifying women and girls at risk

Women and girls traveling as part of mixed movements are exposed to a range of risk factors that can result in violations of their rights. These risks can result from structural causes, such as limited access to services, information or assistance, as well as dependency or poverty. They can also be attributed to the individual's particular circumstances (e.g. their civil status or position in a group, previous exposure to sexual and gender-based violence (SGBV) or other forms of violence, and the need for specific health care or other support).

Algeria: "SOS Femmes en détresse" Shelter for Women Victims of Violence

The "SOS Femmes en détresse" Shelter for Women Victims of Violence was opened by an Algerian NGO in 1992. During the civil war in Algeria, many women sought refuge with their children in the reception centre. Sexual violence was, and remains, a taboo subject in Algeria, but the NGO succeeded in creating an environment of trust that facilitated the provision of psychosocial assistance to victims of sexual and gender-based violence (SGBV).

"SOS Femmes en détresse" has been working with UNIFEM, organizing joint awareness-raising sessions on SGBV for policemen, military officers and doctors. Based on their experience with Algerian women, they broadened the scope of their work to include migrant and refugee women, many of whom also experienced violence.

The association signed an agreement with UNHCR to provide emergency shelter and assistance to asylum-seeking women who have been victims of SGBV or domestic violence.

Costa Rica: Free Legal Assistance and Psychosocial Services at the "Casa de Derechos" Community Centre

In 2007, UNHCR and the Municipality of Desamparados, which has a large migrant and refugee population (approximately 25 per cent of the total city population), concluded a cooperation agreement to address protection needs in the city. One result of this agreement was the implementation of Free Legal Assistance and Psychosocial Services, provided by UNHCR to victims of domestic violence, at the "Casa de Derechos" Community Centre in Costa Rica.

Services have been provided successfully to support, inter alia, the legal and emotional needs of a large number of domestic violence victims, including many migrants and refugees in the city.

Libya: The Identification and Resettlement of a Group of Detained Eritrean Refugee Women

The identification and resettlement of a group of Eritrean refugee women detained in Libya was undertaken by UNHCR with the support of the Government of Italy. Women with specific needs who were victims of, or at risk of, violence (including sexual abuse) during their journey in search of international protection were released from a detention centre in Libya and resettled in Italy.

For further details, see Chapter 7.

Malaysia: The Women's Aid Organization (WAO)

The Women's Aid Organization (WAO) in Malaysia provides shelter to battered women and children. Qualified social workers offer counselling sessions and provide legal information to women, either by telephone or through face-to-face meetings. The WAO's Sexual Assault Helpline is a safe and confidential forum for survivors of sexual violence where they can receive moral support and counselling. A one-day free clinic offers health care and advice to pregnant women and young mothers. The WAO conducts counselling sessions with asylum-seeking and refugee women in Kuala Lumpur.

MALTA: SEXUAL AND GENDER-BASED VIOLENCE PREVENTION AND RESPONSE IN THE CONTEXT OF MEDITERRANEAN ARRIVALS 2007 – 2008

A. Background and Rationale

The project entitled, "Sexual and Gender-based Violence Prevention and Response in the Context of Mediterranean Arrivals" ("SGBV Prevention Project"), was a pilot initiative launched in 2007 in Malta. The nine-month project aimed to address the particular risks faced by refugee women and unaccompanied minors travelling within mixed movements to Malta. The project was based on the Participatory Assessment Exercise carried out by UNHCR in 2005 in cooperation with the Maltese authorities and NGOs.

B. Actors

- Jesuit Refugee Service-Malta;
- UNHCR; and
- cultural mediators.

C. Actions

- Individual case work was carried out in detention and open centres with sexual and gender-based violence (SGBV) survivors.
- Legal assistance and/or psychological support were offered to SGBV survivors, as well as referral to appropriate services.
- Awareness-raising activities on the protection needs of female refugees and SGBV survivors were carried out with Maltese officials.
- Community-based initiatives on health issues, including sexual and reproductive health, gender issues, cultural practices, as well as the legal rights and obligations of SGBV survivors and community members were implemented in Malta, including in detention centres, to prevent SGBV cases.

D. Review

Individual case work revealed that, in many cases, the SGBV incident occurred years before arrival in Malta. Although it was a cause of psychological trauma, it was not the most pressing problem for the individual concerned. Rather, individuals were predominantly concerned with the regularization of their stay and finding employment and accommodation. The use of cultural mediators helped to open communication channels and gave the SGBV survivors confidence to reveal sensitive information. Due to the short duration of the project and limited resources, monitoring and follow-up of SGBV cases did not occur during the project duration.

E. Further information

Annex 13 – Jesuit Refugee Service Malta, *"Try to Understand": Outcomes of Project on Sexual and Gender-based Violence among Immigrants*, 2008

The Heightened Risk Identification Tool (HRIT)

The Heightened Risk Identification Tool (HRIT) was developed in 2008 to enhance the effectiveness of UNHCR and NGO partners in identifying persons of concern who are at heightened risk. It links community participation with individual risk assessment, facilitates protection interventions and raises awareness of the types of risk faced by persons of concern. It includes specific questions on women and girls, children and adolescents, and older persons. It can be used in urban, camp as well as other operational contexts.

A second edition was published in June 2010. It available at: http://www.unhcr.org/refworld/docid/4c46c6860.html.

6.4. Procedures to protect trafficked persons who are not refugees

Some States have established special protection systems for trafficked persons who do not need international protection. However, in many countries, trafficked persons are still treated as victims of crime and the support and assistance offered (e.g. shelter, counselling and temporary residence permits) is short-term. More recently, some States have granted trafficked persons longer-term residence permits and access to services under certain conditions.

Some of the most effective systems to assist trafficked persons are led by an inter-departmental coordination unit that brings together relevant government agencies, international organizations and representatives from civil society. These systems have well-functioning mechanisms to refer trafficked individuals to other processes and procedures, when necessary, including to the asylum system.

COSTA RICA: NATIONAL COALITION AGAINST SMUGGLING OF MIGRANTS AND TRAFFICKING IN PERSONS 2005 – PRESENT

A. Background and Rationale

In 2005, Costa Rica set up a National Coalition Against Smuggling of Migrants and Trafficking in Persons ("the National Coalition") to strengthen all measures aimed at preventing, combating, punishing and eradicating these transnational crimes.

B. Actors

Full members in Costa Rica

- The Ministries of Foreign Affairs, Health, Interior and Public Security, Justice, Labour and Social Security, and Public Education, as well as the National Institute for Children and the National Institute for Women; and
- the Ombudsperson's Office.

Members with observer status

- IOM and UNHCR; and
- civil society organizations.

C. Actions

- Adopted a Protocol for the Repatriation of Child Victims of Trafficking ("the Protocol") that aims to identify the competent authorities and their roles in cases where repatriation is deemed the appropriate response, and that recognizes the right to seek asylum and includes a saving clause in line with Article 14 of the 2000 Palermo Protocol;[2]
- established an Immediate Response Team to handle and coordinate the protection of trafficked persons;
- organized trainings on international refugee law and on the protection of trafficked persons for border officials at airports and with public defenders and State attorneys; and
- advocated for the improvement of local legislation on human trafficking with a particular emphasis on incorporating protection safeguards for trafficked persons who may also have international protection needs.

D. Review

The National Coalition has created an open dialogue on anti-trafficking initiatives and a basis for concrete policy and operational development. Training activities have raised awareness about human trafficking and improved coordination among key actors.

E. Further information

Annex 14 – Costa Rica, Executive Decree No. 34199-G-MSP-J-MEP-MTSS-RREE establishing the national coalition against trafficking in migrants and persons, 12 March 2007, also available at:
http://www.acnur.org/biblioteca/pdf/6050.pdf.

Annex 15 – IOM and UNICEF Costa Rica, National Protocol on the Repatriation of Children and Adolescent Victims of Human Trafficking, 2007 (in Spanish), also available at:
http://www.acnur.org/biblioteca/pdf/5570.pdf.

Côte d'Ivoire: Local Child Protection Commissions

Twenty Local Child Protection Commissions have been established in Côte d'Ivoire in the refugee populated areas of Tabou and Guiglo, to monitor and report on child labour, human trafficking and other protection issues, particularly in cocoa and coffee plantations.

UNHCR provides training and material support to the local protection commissions and to the community members to address child protection issues, including child labour, human trafficking and sexual abuse. UNHCR has developed small-scale programmes targeting refugees, IDPs and host communities. Sensitization campaigns and focus group discussions have been organized in communities with parents, children and community leaders to discuss protection issues.

In 2008, UNHCR's implementing partner, Afrique Secours Assistance, entered into an information agreement with an agricultural company, PALMCI, in Tabou to stop the recruitment of children on palm farms. The local protection commissions successfully persuaded parents in Tabou to send their children to school instead of letting them work in the fishing industry.

2 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (2000).

NORWAY: IDENTIFICATION AND PROTECTION OF VICTIMS OF TRAFFICKING
2008

A. Background and Rationale

Norway established specific procedures for the protection of both asylum-seekers and trafficked persons and created a National Coordination Unit to protect and assist them.

The Norwegian system differentiates between the identification of possible victims of trafficking (VoTs) and confirmation of VoT status. While all organizations or individuals can identify possible victims, only specific government entities can confirm VoT status.

The 2008 Immigration Act, which entered into force 01 January 2010, includes two important modifications to the Norwegian system. One provision stipulates that a VoT may be considered a member of a particular social group, one of the grounds for persecution in the 1951 Convention. The other provision stipulates that if a VoT is ineligible for refugee status, s/he may qualify for a form of subsidiary protection on humanitarian grounds.

B. Actors

- Child Protection Service, Norway;
- the National Coordination Unit for Victims of Trafficking (KOM), which is managed by the National Police Directorate and is comprised of representatives from the police, health, labour, immigration and justice sectors, as well as child welfare institutions, labour unions, employer agencies and NGOs in Norway;
- NGOs [namely the Women's Shelter *(Krisesentersekretariatet)*]; and
- the Norwegian Directorate of Immigration (UDI).

C. Actions

- Provide an integrated, inter-disciplinary, high-level unit linking the different agencies involved in dealing with trafficked persons;
- offer a range of services (e.g. shelter, health care and psychological support, social services, free legal aid, counselling, vocational training and assistance with repatriation), during a six-month "reflection period", to persons identified as possible VoTs;
- issue a one-year work and residence permit, which can be renewed for one additional year, to those VoTs who agree to testify in criminal proceedings;
- engage in routine discussions with all VoTs, soon after they have been identified, to enquire whether they wish to file a complaint with the police, and also discuss during legal counselling the possibility of claiming asylum;
- provide training on trafficking issues for police and staff from UDI who interview VoTs; and
- provide legal services to child VoTs who, under the age of 18, have the same rights as minor nationals under the Child Welfare Act in Norway and who are generally not deported even if they have been denied asylum but, instead, are very often granted residence on humanitarian grounds after the Norvwegian Immigration Act unless relatives or guardians are identified in the country of origin.

D. Review

The new Immigration Law explicitly provides that VoTs may be eligible for refugee status, minimizing the risk of *refoulement* for VoTs with international protection needs. KOM has developed national guidelines on the identification of VoTs, promoted inter-agency cooperation to assist and protect VoTs, and developed a national system for safe voluntary return. It also provides assistance and guidance to local actors, when needed, and organizes training sessions on human trafficking for police and other government authorities.

National and international cooperation, however, needs further strengthening as well as an early warning system and the rehabilitation of VoTs. The Norwegian Government is exploring ways to harmonize the asylum system and complementary humanitarian procedures to ensure that VoTs are provided with appropriate protection and assistance and to prevent the duplication of efforts.

E. Further information

The Norwegian Immigration Act of 2008 is available at:
http://www.ub.uio.no/ujur/ulovdata/lov-19880624-064-eng.pdf.

SOUTHERN AFRICAN COUNTER-TRAFFICKING ASSISTANCE PROGRAMME (SACTAP) 2004 – PRESENT

A. Background and Rationale

The Southern African Counter-Trafficking Assistance Programme (SACTAP) is a regional programme developed by the IOM Regional Office for Southern Africa.

SACTAP was designed to address the particular needs of each country in the Southern African Development Community (SADC) region according to its significance as a country of destination, transit and source of human trafficking. South Africa was used as a base because it is the main destination country for trafficked persons within and towards the region.

B. Actors

- Departments of Home Affairs, Safety & Security, Interior, Justice, Social Development, Foreign Affairs in the region;
- participating countries (namely Botswana, Lesotho, Madagascar, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe);
- IOM-Regional Office for Southern Africa;
- INTERPOL;
- relevant embassies and NGOs;
- Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO); and
- UN Office on Drugs and Crime (UNODC).

C. Actions

- The provision of direct assistance to trafficked persons or support through a regional network of service providers offers secure accommodation, medical assistance, counselling, legal assistance and skills training. Assisted voluntary return and reintegration (AVRR) is also provided to trafficked persons who wish to return to their countries of origin. Toll free hotlines provide anonymous counselling and information services.
- Training and capacity-building activities are available for relevant State institutions, with a particular focus on police and "first contact" immigration officials, as well as victim support centres.
- Information campaigns on the risks of human trafficking and available support target at-risk individuals and trafficked persons, government officials, and the general public. A quarterly trafficking bulletin, the "Eye on Human Trafficking", highlights research findings and current issues and is available in English, French and Portuguese.
- Research activities ensure that awareness campaigns are appropriate and effectively targeted. Data has been used to investigate and prosecute trafficking cases. Legal research and a compilation of best practices in other regions inform legislative and policy development.

D. Review

The four components of SACTAP are mutually reinforcing and contribute to the overall success of the programme. It has increased awareness of human trafficking in the region and provided assistance and protection to an increasing number of trafficked persons. It has also led to partnerships with law enforcement, law commissions and NGOs.

SACTAP has improved government and law enforcement action and has placed human trafficking on the public policy agenda. A number of countries in the region have ratified the 2000 Palermo Protocol and have engaged in policy discussions on anti-trafficking legislation.

E. Further Information

Available at:
http://www.iom.org.za/CounterTrafficking.html.

IOM Study on the Right to Residence for Trafficked Persons: A Comparative Assessment

In 2009, IOM conducted a comparative study of the residence options available to victims of trafficking in four selected countries: Austria, Belgium, Italy and the USA.

The purpose of the study was to identify gaps and good practices, and to assess how relevant legal norms are implemented in practice. The study found that, inter alia, all four countries consider the legalization of the stay of victims of trafficking when certain criteria are met. The length of stay/residence permit varies from three months to an indefinite period. The research findings also reveal that victims are rarely seen as the holders of rights. They are seen, instead, as "instruments" in investigations or prosecution.

The findings of the research study will be available at:
www.iom.int.

IOM Direct Assistance for Victims of Trafficking Handbook

In 2007, IOM developed the Direct Assistance for Victims of Trafficking Handbook based on its experience in providing direct assistance to trafficked persons. The handbook provides guidance and advice to ensure the effective delivery of a range of assistance measures, tailored to the particular needs of the trafficked person, from the first moment of contact and screening to social reintegration.

The handbook is available at:
http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=19&products_id=116.

IOM/UNHCR Project to Develop Standard Operating Procedures for the Protection of Trafficked Persons

In 2009, UNHCR and IOM developed a joint Framework Document for Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons (the "framework document").

The overall objective of the framework document is to improve cooperation between UNHCR and IOM with regard to the identification and implementation of protection for trafficked persons. The framework document aims to encourage the development of standard operating procedures for IOM and UNHCR at the country level in order to provide the best possible protection to trafficked persons. It suggests a procedure for cooperation to address gaps in existing protection mechanisms, establish a referral system, and ensure that the available expertise, capacities, and potential of each agency are best employed.

6.5. Asylum procedures

The asylum systems of countries affected by large mixed movements may become strained if many arrivals apply for asylum, regardless of their international protection needs, in order to avoid deportation and to regularize their stay, at least temporarily.

A comprehensive approach to mixed movements, as suggested by the 10-Point Plan, can reduce these pressures on asylum systems. The availability of differentiated processes and procedures and the "profiling and referral" mechanism proposed in Chapter 5 are important tools to better manage mixed groups of arrivals and to limit the number of unfounded asylum applications.

In addition, there are tools that can be adopted within the asylum system itself to improve the efficacy and efficiency of asylum procedures. These tools can be divided into two categories: "caseload management tools" and "procedural tools". While both have the same objective – to increase the efficiency of the asylum procedure – caseload management tools aim to improve organization of the overall workload 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 safeguards.

This section provides a selection of State tools to improve the efficacy and efficiency of asylum procedures, as well as examples of UNHCR procedures and practices.

6.5.1. Caseload management tools

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

6.5.1.1. Caseload analysis

Undertaking a general analysis of all incoming asylum applications as a group prior to hearing individual claims can help authorities 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, ethnic or social groups, ages, and motives for moving. Such a picture can be useful for scheduling interviews, managing resources, and ensuring that country of origin information is accurate and up-to-date. It can also help ensure that appropriate interpreters are made available during the asylum procedure. The caseload analysis can be based on information gathered during profiling and referral exercises (as outlined further in Chapter 5). It could also be based on information gathered during registration or similar procedures.

CANADA: CASELOAD MANAGEMENT 1989 – PRESENT

A. Background and Rationale

The Immigration and Refugee Board (IRB) is an independent, quasi-judicial, specialized tribunal that decides immigration and refugee cases. 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 departure from the country of origin. The IRB assesses the form and determines the process most suited for the applicant.

B. Actors

- IRB; and
- UNHCR.

C. Actions

Each asylum claim is reviewed by the IRB and assigned one of three procedures, as outlined below.

- A fast-track expedited process is provided for manifestly well-founded cases, including claimants from certain countries or with a certain type of claim. 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 is provided for claims that raise only a limited number of issues and appear to be straightforward. A member of the Board holds a hearing, which is not attended by a Refugee Protection Officer.
- A full hearing is provided for claims that involve two or more issues and that 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 of the system include:

- the development of tools to promote quality and consistency in decision making, such as the 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 (for which the applicant receives a written transcript); and
- professional development and training for staff, including close engagement with UNHCR.

D. Review

The Canadian asylum procedure is well-developed and 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. Canada is currently adopting new legislation which includes revisions of the caseload management system.

E. Further information

Details on the Canadian Immigration Refugee Board are available at: http://www.irb-cisr.gc.ca/.

See also, Belgium: Caseload Profiling by the Office of the Commissioner General for Refugees and Stateless Persons (CGRS), below.

6.5.1.2. Country of origin information

Country of origin information provides the basis for effective asylum procedures, facilitating caseload analysis and efficient decision making. Quality country of origin information is relevant, comprehensive, reliable, up-to-date and drawn from a variety of authoritative sources. Relevant country of origin information includes data on the socio-political and human rights situation in countries and regions of origin, a description of political, religious, social and ethnic groups that may be at risk of persecution or serious harm, and any other information that may be helpful to assist asylum adjudications. The provision of guidelines and training for decision makers can ensure that country of origin information is used appropriately and effectively.

Quality Standards for the Research and Use of Country of Origin Information

Quality standards for the research and use of country of origin information include:

- UK Immigration and Asylum Services (IAS), *The Use of Country of Origin Information in Refugee Status Determination: Critical Perspectives*, 2009;
- UNHCR, *Country-of-origin (COI) information: Towards Enhanced International Cooperation*, 2004;
- Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD), *Researching Country of Origin Information*, 2004;
- The International Association of Refugee Law Judges (IARLJ), "Judicial Criteria for Assessing Country-of-Origin Information," 2006; and
- *Common European Union Guidelines for Processing COI*, 2008.

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

European Asylum Support Office (EASO)

The European Asylum Support Office (EASO) is an EU specialized agency with a mandate to support EU Member States in the operation of their asylum systems and to assist in the creation of the Common European Asylum System. This main objective of ensuring consistent high quality decision making and aligning existing asylum rules and practices throughout the EU will be pursued through enhanced practical cooperation between the Member States.

EASO also seeks to facilitate the exchange of information on countries of origin and on good practices, to offer training to asylum officials and to assist those Member States that receive large numbers of asylum claims with managing the assessment procedure.

Useful Websites

REFWORLD, the database for country of origin information is the state-of-the-art, internet-based protection information system of UNHCR.

It is available at: www.refworld.org.

ECOI.NET gathers, structures and processes publicly available country of origin information with a focus on the needs of asylum lawyers and persons deciding on claims for asylum and other forms of international protection. It is managed by the Austrian Center for Country of Origin Documentation and Research.

It is available at: www.ecoi.net.

6.5.1.3. Guidance for interviewers

Providing officials responsible for conducting asylum interviews with a practical tool to guide them through the interview process can ensure that key issues are raised and that there is consistency across interviews. This tool could simply be a basic checklist of questions or issues to be raised during the interview. The content of this checklist would vary depending on the nature of the caseload. Questions could be drawn from information gathered at the profiling and referral phase (as discussed in Chapter 5) 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. In the interests of preserving the flexibility and accuracy of assessments and decision making, it is important that any tools provided to assist an asylum official do not prevent him/her from exercising his/her discretion on a case-by-case basis.

DJIBOUTI: VERIFICATION OF SOMALI APPLICANTS 2008 – PRESENT

A. Background and Rationale

A Verification Form was designed in 2008 to assist UNHCR and Government eligibility officers in Djibouti to identify persons originating from South/Central Somalia who may be in need of international protection, as well as to facilitate the timely detection of fraudulent claims by applicants who may pose as South/Central Somalis.

B. Actors

- *Office National d'Aide aux Réfugiés et Sinistrés* (ONARS) of the Ministry of Interior, Djibouti; and
- UNHCR.

C. Actions

- ONARS and UNHCR interviewers process Somali applicants using the Verification Form at the Reception Centre (200-300 interviews per month).
- Interviewers are required to have a sound knowledge of accents, clan structures and the geography of South/Central Somalia.
- There is no appeal or review procedure, but consensus and joint review by UNHCR and ONARS are required for both recognition and rejection decisions. Applicants who credibly establish their place of origin as South/Central Somalia are registered as refugees.
- Within 48 hours, they are transferred to the Ali-Addeh Camp where assistance is provided. Should they meet the relevant criteria, they are registered as urban refugees and issued relevant identity documents.

D. Review

As illustrated in this case, the Verification Form is appropriate for caseloads where a presumption of eligibility applies. The main advantage of the Verification Form is its simplicity, which permits the prompt identification of meritorious and non-meritorious cases at the entry point. Verification, registration and documentation takes place within a few hours. Another positive outcome is that it requires regular joint cooperation between UNHCR, ONARS, army and immigration officers.

The capacity of the Government of Djibouti to conduct joint screening and registration of Somalis near the border with Somaliland/Somalia in Loyada has increased significantly since 2008. Reception arrangements in Loyada also have been enhanced and simplified procedures have been implemented. UNHCR and the Government jointly provide training to immigration, police and security officers.

E. Further information

Annex 16 – UNHCR Djibouti: Verification Form for South/Central Somalis, 2008

SOMALIA: UNHCR PRE-SCREENING FORM FOR ETHIOPIAN ASYLUM-SEEKERS IN BOSSASO 2006

A. Background and Rationale

The Pre-screening Form was designed to facilitate rapid RSD for Ethiopian asylum-seekers who were threatened with deportation in Bossaso.

B. Actors

- UNHCR.

C. Actions

- UNHCR staff completed the Pre-screening Form when interviewing arrested/detained illegal migrants in Bossaso who were threatened with deportation.
- In addition to biographical data and flight motives, the Pre-screening Form highlights several categories of persons (e.g. 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 Pre-screening Form enabled UNHCR to decide within 2-3 months on the claims for refugee status of approximately 200 persons.

D. Review

The questionnaire aims to capture protection needs while guiding the interviewing staff. It is straightforward and fast to complete. The margin of error was reduced by training interviewing staff on what they should look for prior to commencing the RSD exercise.

The form allows the interviewer to assess the credibility and consistency of the applicant's statements against country of origin information, the presence of a well-founded fear of persecution, the claim's connection to any 1951 Convention grounds, and the applicability of any exclusion clause. It then provides a list of the profiles and outcomes that may be considered.

The Pre-screening Form was used in a context of mixed movements involving mostly a non-prima facie caseload. Positive outcomes included enhanced cooperation with IOM and the local authorities, and the signing of a MOU between UNHCR and Puntland authorities. It also resulted in the establishment of a Puntland Refugee Affairs Committee and the recognition and protection of a significant number of Ethiopian refugees in that part of Somalia.

E. Further information

Annex 17 – UNHCR Bossaso, Pre-screening Form, 2006

6.5.1.4. Strategic allocation of staff and resources

Adopting a strategic approach to the allocation of staff and resources, based on profiling and referral information and a caseload analysis, allows asylum authorities to identify certain categories of cases for prioritized scheduling or the allocation of more staff, rather than considering each case on a "first come, first served" basis. This may be appropriate for:

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

This approach is 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. For example, the early prioritization of straightforward cases could allow authorities to reduce a backlog.

Strategic resource allocation is not to be confused with accelerated procedures for manifestly unfounded cases (as discussed below). Individuals whose claims are prioritized as part of strategic resource allocation still receive the same full procedural rights and guarantees as other applicants. However, 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.

Belgium: Caseload Profiling by the Office of the Commissioner General for Refugees and Stateless Persons (CGRS)
2007 – Present

Since June 2007, the independent asylum governmental authority of the Office of the Commissioner General for Refugees and Stateless persons (CGRS) has been the body responsible for examining asylum applications in Belgium.

The CGRS recently developed a profiling system based on two methods to improve RSD management:

- daily use of an electronic database; and
- preparation of reports on sensitive profiles, based on a compilation of information from RSD managers about specific caseloads.

The initiative aims to:

- gain an overview of the profiles within a certain caseload;
- emphasize the role of the RSD manager in planning the asylum procedure based on country of origin information research prior to the interview and to produce RSD guidelines for the most important profiles;
- give particular attention to persons with specific needs by assigning claims made by vulnerable asylum-seekers to a specially trained RSD officer; and
- design targeted assistance programmes (i.e. shelter, integration and voluntary repatriation) following profiling.

See also Canada: Caseload Management, above. Further information is available at: http://www.cgvs.be/en/index.jsp.

Annex 18 – CGRS, Profiling of Asylum Seekers Study, 2010

6.5.2. 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. 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.

6.5.2.1. 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. If the answer is affirmative in either case, the State would not need to consider the full merits of the application in its own asylum procedures. Admissibility procedures can be part of a burden and responsability-sharing arrangement between countries and can help address the problem of secondary movements (as outlined further in Chapter 8).

The introduction of admissibility procedures could be useful for 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 after return;
- applicants for whom responsibility for assessing the merits of the asylum application has been legally and in fact assumed by a third country, provided the asylum-seeker will be protected from refoulement and will be able to seek and enjoy effective protection in that country; or
- repeat applicants whose asylum applications have already been rejected after a full and fair examination and who do not provide new evidence (e.g. significant changes to their individual situation or to the circumstances in the country of origin).

6.5.2.2. 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".

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 clearly 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.

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

- shortened time limits for filing appeals;
- discretion not to hold an interview on appeal if new elements are not presented;
- shortened time limits for issuing appeal or review decisions and, where a decision is not possible within this period, referral of the case to the regular procedure;

- use of standard forms for issuing negative appeal decisions; and
- 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 procedural rights of asylum-seekers, they are outlined in Section 6.5.1.4. (under "strategic staff and resource management").

AUSTRIA: AIRPORT PROCEDURE 2005 – PRESENT

A. Background and Rationale

The Austrian Asylum Act created a procedure for asylum applications submitted at the airport in Austria. UNHCR holds a right to veto certain decisions taken by the first-instance asylum authority at the airport.[3]

B. Actors

- Austrian Federal Asylum Agency; and
- UNHCR.

C. Actions

Persons who express a wish to seek asylum at the Vienna International Airport are referred to the first-instance asylum authority, the Austrian Federal Asylum Agency ("the asylum authority"). The asylum authority determines which cases may be decided upon immediately and, therefore, can be processed through the airport procedure. Asylum-seekers with more complex cases are granted entry to the territory and referred to the regular asylum procedure.

The asylum authority transmits airport procedure 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. This right must be exercised within 48 – and in any case no later than 96 – working hours.[4] If UNHCR exercises this right, the applicant is granted entry and enters through 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 counselling.

Persons whose claims are found to be manifestly unfounded or inadmissible in the airport procedure, and where UNHCR does not exercise its right of veto, are subject to immediate deportation from Austria.

There are two grounds, outlined below, upon which an asylum application would be rejected at the airport.

- An asylum application may be rejected on admissibility grounds in relation to application of the safe third-country principle or the Dublin II Regulation.[5]

3 Section 3 (Articles 31-33) of the Asylum Act governs these procedures.
4 UNHCR, however, does not have the right to veto decisions according to which, based on the Dublin Regulations, another Member State of the EU is responsible for the determination of the asylum request.
5 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].

- An asylum application may be rejected on merits where the asylum-seeker has:
  - attempted to deceive the asylum authority of his/her identity/nationality/authenticity of documents, despite being informed of the consequences (rendering the claim clearly abusive);
  - made allegations that clearly do not correspond to reality (rendering the claim manifestly unfounded);
  - not claimed a fear to return to his/her country of origin (rendering the claim manifestly unfounded); or
  - arrived from a country of origin that is considered safe (rendering the claim manifestly unfounded).

D. Review

UNHCR's involvement in the airport procedure is an important protection safeguard that 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 firsthand information on the mixed character of irregular movements at Austria's main external Schengen border. 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

Annex 19 – 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 20 – Austria Federal Act Concerning the Granting of Asylum (2005 Asylum Act – *Asylgesetz* 2005) Federal Law Gazette (FLG) I No. 100/2005

MOROCCO: ACCELERATED UNHCR MANDATE REFUGEE STATUS DETERMINATION 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 and to clear a backlog of applications. This procedure was only applied for a short period of time.

B. Actors

- UNHCR.

C. Actions

- The accelerated procedure was applied to the following applications:
  - clearly abusive or manifestly unfounded applications; and
  - applicants from certain countries whose claim was neither abusive nor manifestly unfounded but for whom there was an extremely low recognition rate over the past year.

- The applicants were interviewed twice, during an initial, short screening and during a follow-up interview, and they had the right to appeal a negative decision.
- The policy to provide asylum-seeker certificates to all applicants was temporarily discontinued. Only asylum-seekers whose applications were determined not to be abusive or unfounded were granted a certificate.
- Applications from persons with specific needs were prioritized (and deemed manifestly well founded). These included 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, and a final decision was made within one week of the appeal. When an appeal was successful, the applicant was channelled into regular procedures, granted an asylum-seeker certificate and scheduled for a regular RSD 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 the provision of asylum-seeker certificates to all applicants significantly lowered the incentive for nationals of countries without a record of 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 make more resources available to address legitimate protection needs, it was lengthy and often involved additional interviews when doubts arose. Further, an artificial limit was placed on the number of persons that could be registered because of a lack of staff and resources. The procedure, therefore, was discontinued. While this procedure was useful in a context of significant fraud and abuse and where there was also a sizeable backlog, such a model may not be appropriate in cases where fraud and abuse occur on a lesser scale.

SOUTH AFRICA: ACCELERATED ASYLUM PROCEDURES 1998

A. Background and Rationale

South Africa is a focal point for mixed movements in its region and receives the largest number of applications for asylum worldwide (around 50,000 in 2007, over 200,000 in 2008 and 223,324 in 2009). In recent years, South Africa has come under increasing pressure to process asylum applications in a rapid, but efficient, manner. To ensure the better use of resources, the South African Department of Home Affairs established an accelerated procedure for those asylum-seekers who clearly 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 seven refugee reception centres in Pretoria, Cape Town, Durban, Port Elizabeth and Musina. A refugee reception officer interviews the applicant and assists him/her to complete an Eligibility Determination Form (EDF).
- The EDF requests the applicant's biographical and identity information, 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 reception officer warns applicants that providing false information can discredit their application and lead to prosecution.
- Section 24(3) of the Refugee Act of 1998 gives RSD officers the authority to make a decision based on the information provided in the EDF. Manifestly unfounded, abusive or fraudulent claims are forwarded to the Standing Committee for Refugee Affairs to review the application and uphold or overturn a decision made 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 reduce a backlog in an overburdened system, but cases need to be carefully screened to prevent *refoulement*. The Government has not put in place a system that monitors or enforces the removal of unsuccessful asylum-seekers from its territory. The Refugees Amendment Act of 2008 which has not yet come into force, however, may bring substantial changes to this procedure.

E. Further information

Annex 21 – Republic of South Africa Refugees Act 1998 (selected articles)

Annex 22 – Republic of South Africa, Department of Home Affairs, Eligibility Determination Form for Asylum-seekers

Additional Examples of Safeguards

According to the **Spanish Royal Decree 511/1985 of 20 February 1985**, UNHCR can make recommendations during the procedure at the Spanish border.

Annex 23 – Royal Decree 511/1985 of 20 February 1985

According to the **Danish Aliens Consolidation Act Nº 808 of 8 July 2008**, the Danish Refugee Council has a veto right in Denmark's manifestly unfounded procedure.

Annex 24 – Aliens Consolidation Act No 808 of July 2008

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Solutions for refugees

CHAPTER 7

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Introduction

Once refugee status has been determined and immediate protection needs are addressed, refugees may need support to find a long-term, durable solution.

UNHCR promotes three durable solutions for refugees as part of its core mandate:

- voluntary repatriation;
- local integration; and
- resettlement.

There is no hierarchy of durable solutions; rather, an integrated approach that combines all three solutions and is implemented in close cooperation with countries of origin, host States, humanitarian and development actors, as well as the refugees themselves usually offers the best chances for success.

Enabling refugees to become self-reliant pending the realization of an appropriate long-term solution is an important first step towards achieving any of the three durable solutions. Working towards solutions can also reduce the need for irregular onward movements by refugees.

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. However, in the context of an increasing interrelationship between refugee protection and international migration, some refugees or former refugees are using temporary or permanent alternatives offered by migration schemes, either in the host country or through regularized onward movements to a third country. Such possibilities may be considered particularly where the refugee is not able to sustain him/herself in the host country or where refugee protection is no longer necessary but where reintegration possibilities remain limited in the country of origin (e.g. during an immediate post-conflict phase). Migration schemes have also been used to broaden the protection space for refugees in States that are not party to the 1951 Convention.

This Chapter does not purport to outline anything radically new or specific to mixed movements regarding the three classic durable solutions for refugees. The practical examples contained in this Chapter constitute a small sample of the many existing initiatives on solutions for refugees. Since there is a range of publications already available on this issue, these sections are brief and cross-reference is made to sources where additional guidance can be obtained. Some of the examples in Chapter 9 (return of non-refugees) are also relevant to this Chapter and can provide additional guidance.

Operationalizing solutions for refugees: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Adopt a comprehensive approach to finding appropriate durable solutions for persons recognized as refugees or others in need of international protection.
- Undertake activities to facilitate voluntary repatriation and sustainable reintegration, in cooperation with relevant partners, as well as post-return monitoring.
- Explore local integration options such as leave to remain and naturalization for certain groups.
- Explore resettlement options and quotas for specific groups, use resettlement strategically and coordinate resettlement needs with a view to adopting a region-wide approach.
- Explore opportunities within migration frameworks as a complementary avenue for refugees.

Support UNHCR can provide to partners

Voluntary Repatriation

- Provide information and advice on the situation in the country of origin.
- Facilitate return, by negotiating tripartite agreements between the country of asylum, country of origin and UNHCR.
- Promote "Go and See" Visits to facilitate the repatriation process.
- Monitor the repatriation and reintegration process in cooperation with other key actors.
- Promote development assistance and sustainable reintegration.

Local integration

- Advocate for the advantages of integrating the refugee population into host communities.
- Advise on laws and policies on asylum and migration to facilitate integration.
- Promote dialogue between countries of asylum to share good practices on local integration.
- Identify implementing partners to participate in reintegration projects, such as NGOs for micro-finance schemes, vocational training and community mobilization projects.

Resettlement

- Coordinate resettlement needs, and promote cooperation among relevant actors.
- Develop resettlement criteria, and identify candidates for resettlement.
- Promote resettlement in combination with other durable solutions.
- Lobby for resettlement opportunities, including increased quotas, diversified intake, introduction of more flexible selection criteria, and a greater number of resettlement country agreements.
- Ensure emergency resettlement, including through emergency resettlement centres.

Solutions within migration frameworks

To enlarge the protection space available in a country, UNHCR may:

- advocate for complementary migration options for refugees, in accordance with the specific needs of the country of asylum and the profile of refugee groups (e.g. advocate for the provision of work permits where labour shortages in the country of asylum can be filled by refugees);
- advocate for cultural or family-oriented migration avenues, and lobby for group amnesties;
- enhance cooperation with regional and national agencies engaged in labour issues, including employer and professional groups, to explore labour migration options for refugees; and
- continue to raise awareness about the specific protection needs and rights of refugees while providing access to migration frameworks.

7.1. Facilitating self-reliance pending a durable solution

Access to durable solutions for refugees will be easier if they have been able to become self-reliant pending the identification and establishment of this solution. "Self-reliance" means the economic and social ability of the individual refugee, household or community to meet essential needs in a sustainable manner and with dignity. In practice, self-reliance usually means granting refugees access to the economy in the host country, including through access to the labour market. Education, micro-financing, language courses, vocational training, and access to adequate accommodation and social services can help refugees to become self-reliant.

Self-reliance can be encouraged during the asylum procedures, prior to recognition of refugee status, and pending the identification of a durable solution. The scope of benefits and access offered can be expanded when the person is recognized as a refugee. Facilitating self-reliance over an extended period 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. It also improves the sustainability of any future solution.

COSTA RICA: HOUSE OF RIGHTS OF DESAMPARADOS 2007 – PRESENT

A. Background and Rationale

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

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 asylum-seekers and refugees as well as migrants and local persons at risk. It also seeks to provide counselling to such persons.

B. Actors

- Associación de Consultores y Asesores Internacionales (ACAI), UNHCR's main implementing partner in Costa Rica;
- Municipality of Desamparados;
- UNHCR; and
- 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.
- Through legal counselling, training on HIV/AIDS and sexually transmitted infections (STI) prevention, employment opportunities, and adequate use of government services, such as health, education and other social services, the projects aims to empower those persons in the county who are most in need.
- The House of Rights integrates its services with those provided by local public institutions to avoid duplication, and also seeks to build their capacity to protect human rights and to develop new alliances between national and local institutions.

D. Review

The House of Rights Project promotes the local integration of refugees in Costa Rica and provides its beneficiaries with access to legal aid. The project is instrumental in teaching refugees about their rights, including access to asylum appeal procedures and entry into the labour market, as well as about child protection, housing rights and access of female victims of violence to national legislation and protection mechanisms.

MOROCCO: WOMEN LEADING FOR LIVELIHOODS INITIATIVE – COMMUNITY CENTRE FOR REFUGEE WOMEN AND CHILDREN 2006 – 2007

A. Background and Rationale

In Morocco, UNHCR undertakes RSD on the basis of its mandate since the Government does not have established procedures. Since UNHCR's decisions are not formally validated by the Moroccan authorities, the Government does not issue residence and work permits to refugees recognized by UNHCR. Due to the lack of legal status, language barriers and lack of employment opportunities, refugees have difficulties in becoming self-reliant. Engagement in income-generating activities has been particularly difficult for single women, many of whom have been victims of sexual violence.

With the support of UNHCR, and through the Women Leading for Livelihoods Initiative, the Fondation Orient-Occident (FOO) established a Community Centre for Refugee Women and Children ("the centre") in 2007. The centre included a library, an internet café, and a day-care centre for young children. It offered a range of additional training and income-generating activities and services tailor-made for refugee women and children.

B. Actors

- FOO;
- Swiss Development Cooperation; and
- UNHCR.

C. Actions

- Vocational training courses in bakery, hairdressing and tailoring (each of which is taught by the refugees themselves) as well as courses in information technology and in Arabic and French languages are available at the centre.
- Weekly counselling sessions are conducted to address the psychosocial needs of the refugee community.
- Regular information and awareness-raising sessions on the prevention, testing and treatment of sexually transmittable diseases and HIV/AIDS are available.
- Babies can attend kindergarten and children up to seven years old can attend day-care programmes at the centre.
- Recreational activities are available for refugee women.

D. Review

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.

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. Although the centre has been operating successfully, the absence of a residence permit keeps refugees in a precarious legal and socio-economic position which sometimes prevents them from fully participating in the centre's activities.

E. Further Information

Available at: www.fondation.orient-occident.org.

UNHCR: Examples of Livelihood Projects

UNHCR supports and implements a number of livelihood projects, highlighted below, to help facilitate the integration of refugee populations into their host communities.

The Banco del Pueblo Soberano's Micro-finance Programme in Venezuela is a 24-month initiative that started in January 2008. Under the project, the public micro-finance institution in Venezuela aims to help refugees in the border area restart their lives, integrate into the host society and contribute to the local development. Low interest loans are available to assist small businesses in agriculture, fishing, farming and small-scale manufacturing. Financial assistance is also provided to the host community to foster solidarity, tolerance and the value of coexistence.

The Cities of Solidarity Programme in Costa Rica and Panama helps refugees integrate into local communities in towns and cities through increased self-reliance. Since host communities are often poor and already under strain, the programme is sensitive to the needs of the whole community. UNHCR has developed a wide range of local integration initiatives, including microcredit projects and grants for bakeries, restaurants, beauty salons, crafts workshops, candy producers and musical bands. In addition, UNHCR provides vocational and business training for those who lack professional skills and organizes labour insertion programmes.

The Zambia Initiative placed refugees at the centre of a holistic livelihood approach. It provided opportunities for refugees and recognized the positive role that refugees can play in alleviating poverty in host communities. The aim of the Zambia Initiative was to contribute towards a development-oriented programme for the local rural population and to assist in the integration of refugees into Zambian society. Refugees were given opportunities to acquire skills to rehabilitate and rebuild host communities, thereby enabling refugees to be productive members of the society in which they reside.

Quick Impact Projects: A Provisional Guide

The Provisional Guide was developed to provide practical suggestions on designing Quick Impact Projects (QIPs) in a way that contributes to solutions for refugees. It is designed to propose a standardized approach to QIPs to ensure sustainable outcomes. QIP describes small-scale, low cost projects that assist in the reintegration of returnees and displaced persons through income-generating and microcredit schemes.

Annex 1 – UNHCR, *Quick Impact Projects (QiPs): A Provisional Guide*, 2004

7.2. Durable solutions

7.2.1. Voluntary repatriation

Voluntary repatriation, where and when feasible, is one of the three durable solutions for refugees.[1] It 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 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 origin countries, UNHCR, other international organizations, and partner NGOs, is an important element in successful repatriation exercises. Cooperation arrangements ensure that an appropriate framework for sustainable return is established both in the host country, through the provision of information, documentation and financial support, and in the country of origin through legal guarantees for amnesties, property restitution and reintegration projects.

1 For further details on voluntary repatriation, see: http://www.unhcr.org/pages/49c3646cfe.html.

BURUNDI: NATIONAL PLAN OF ACTION TO EDUCATE REPATRIATED CHILDREN 2008

A. Background and Rationale

In 2008, the Ministry of Education of Burundi, together with local partners, developed a Plan of Action ("the plan") to address the lack of education of many refugee children who were repatriated from Tanzania to Burundi. The plan aimed to address the educational needs of 13,200 repatriated children.

B. Actors

- Ministry of Education of Burundi;
- WFP; and
- UNICEF.

C. Actions

- The plan included a budget for the construction of classrooms in returnee areas.
- An Early Childhood Development Programme and a Teacher Emergency Package (TEP) for out-of-school children, aged nine to 14 years, who desired to return to school, as well as vocational training for youth were developed to address the educational needs of different categories of children.
- With support from UNICEF and WFP, the Ministry of Education initiated a pilot intensive accelerated French and Kirundi language programme at the primary and secondary school levels.
- Forty qualified teachers were selected by the provincial office of the Ministry of Education to undergo a four-day training course on addressing the needs of newly repatriated children.
- Teachers were provided with orientation and teaching materials to integrate life skills into teaching methods, including on topics such as human rights, human values, peace education and environment.

D. Review

Out of 1,007 pupils who started the school year in September 2009, a total of 875 pupils in two provinces completed a seven-week, accelerated language programme. Nearly 87 per cent of all pupils completed the programme, and 52.7 per cent of pupils were girls.

The initiatives to reintegrate repatriated children into the education system in Burundi had positive impacts on the children, parents, community and the country. Specifically, the education programme helped with the reintegration of children and youth into Burundian society. This, in turn, facilitated community and societal reintegration of families as the parents of the schoolchildren participated in school and parental committee activities. The programme was largely successful. However, it could benefit from the support of other sectors, such as health and vocational skills training.

UNHCR: Examples of Refugee Repatriation

- **Mauritania** - UNHCR has resumed its repatriation operation for Mauritanian refugees from Senegal. Voluntary repatriations from Senegal to Mauritania were suspended in December 2009 pending a tripartite meeting of the two countries with UNHCR that took place in July 2010. UNHCR was planning weekly convoys to transport approximately 2,500 refugees home by the end of 2010.
- **Great Lakes Region** - UNHCR has promoted voluntary repatriation as part of the durable solutions for Congolese, Rwandan and Burundian refugees. While observing the evolving diplomatic situation between Rwanda and DRC as well as security conditions in each of these countries, the return of 52,000 Congolese refugees could become possible along with the effective return of approximately 10,000 Rwandan refugees, through the provision of return packages and a well devised plan for reintegration activities.
- **Afghanistan** - In 2008, the Afghan Government and UNHCR organized an International Conference on Return and Reintegration of Afghan Refugees to pledge support for the sustainable return of Afghan refugees from neighbouring Iran and Pakistan. During the conference, the Afghan Ministry of Refugees and Repatriation highlighted the need to strengthen reintegration programmes for returnees in the sectors of land, shelter, water, sanitation, education, health care and livelihood.
- **Tajikistan** - UNHCR supports the newly established Refugee Department under the Ministry of the Interior of Tajikistan. The Office will facilitate the voluntary repatriation of Afghan refugees and their transit through Tajik territory as part of a larger comprehensive panel of solutions and joint activities to ensure protection within mixed flows.
- **Sri Lanka** - UNHCR has taken action to facilitate the voluntary repatriation of Sri Lankan refugees from India. In 2010, UNHCR's strategy focused on the voluntary return of IDPs including return assistance in the form of non-food items, basic shelter support and coordination with governmental and other actors. Sustainability of the return is insured by the implementation of Quick Impact Projects (QIPs) to reconstruct community infrastructure, rebuild community-based organizations and provide livelihood opportunities.

  Further information is available at: http://www.unhcr.org/4c657ec69.html.

7

The Sample Tripartite Voluntary Repatriation Agreement

The Sample Tripartite Voluntary Repatriation Agreement between the Country of Asylum, the Country of Origin and UNHCR outlines the voluntary nature of repatriation as a solution and emphasizes, inter alia, safe and dignified returns, freedom in the choice of destination and family unity, legal status and documentation, and access to services once repatriated.

Annex 2 – UNHCR, Sample Tripartite Voluntary Repatriation

7.2.2. Local integration

Local integration in the country of first asylum can be an appropriate solution in some countries and/or for some groups of refugees.[2] The 1951 Convention provides a legal framework for the integration of refugees in States party to the Convention.

2 For further details on local integration, see: http://www.unhcr.org/pages/49c3646c101.html.

The scope and pace of the integration process depend on the refugee caseload and the social and economic conditions in the host society. Groups which are often considered on a priority basis for local integration include refugees born on the territory of the host country who may otherwise be stateless, refugees who do not have the possibility to repatriate in the foreseeable future, and refugees who have established close links to the host country. Host countries sometimes also adopt an incremental approach to local integration by granting permits to stay that gradually lead to a wider range of rights and entitlements over time. Some rights that are normally provided from the outset include documentation, administrative assistance and freedom of movement, as well as the rights to work, education, health care and family unity.

In certain situations, host countries may be willing to integrate refugee populations but may lack sufficient resources and require assistance and support from the international community. The "Development through Local Integration" methodology can assist host countries in such situations.[3]

BELARUS, MOLDOVA AND UKRAINE: REGIONAL LOCAL INTEGRATION PROJECT 2009 – 2010

A. Background and Rationale

The Regional Local Integration Project ("the project") covers three countries along the Eastern Border of the EU, namely Belarus, Moldova and Ukraine. The project foresees the development of the international protection capacities of these countries and the improvement of the integration prospects of refugees in each respective country.

B. Actors

- Participating countries, namely Belarus, Moldova and Ukraine;
- NGOs, civil society and refugee communities; and
- UNHCR.

C. Actions

- A Regional Steering Committee was established to coordinate and monitor implementation of the project.
- UNHCR provides continuous capacity-building support to ensure that refugees are assisted to integrate into their host country and to become self-reliant.
- UNHCR and its partners publish a monthly bulletin on the activities of the project and issue leaflets targeting specific issues related to refugee integration.
- In Belarus, the project aims, inter alia, to enhance the capacity of State social centres to assist refugees with social issues and to develop and implement vocational skills trainings, employment, housing and language training programmes for refugees.
- In Moldova, support is provided to finalize the rehabilitation of a reception facility and to improve the existing infrastructures, to implement a comprehensive employment programme for refugees and local populations in need, and to implement a local settlement programme for refugees with specific needs.

3 For further details, see *Framework for Durable Solutions for Refugees and Persons of Concern*, May 2003, available at: http://www.unhcr.org/refworld/docid/4124b6a04.html.

- In Ukraine, the project entails building pilot projects in Kyiv, Odessa and Kharkiv for employment and self-employment of refugees, providing capacity-building support to regional employment and social services, and developing professional local language courses.

D. Review

Since November 2009, some 137 refugees have attended classes organized in universities in the three official languages of the countries of asylum (i.e. Russian in Belarus, Romanian in Moldova and Ukrainian in Ukraine). Vocational trainings and re-qualification trainings have commenced in each of the three countries, and 22 refugees are enrolled in them.

While relevant governmental organizations have become more involved in issues related to refugee integration, the absence of national refugee integration programmes and the lack of institutional mechanisms to facilitate the involvement of NGOs in refugee integration projects make it unlikely that partners will be able to assume full responsibility of these projects without UNHCR's continued financial support.

E. Further Information

More information about the local integration project is available at: http://unhcr.org.ua/main.php?part_id=32.

IRAN: COMPREHENSIVE REGULARIZATION PLAN FOR FOREIGN NATIONALS JULY – AUGUST 2010

A. Background and Rationale

In response to the vast number of undocumented Afghan nationals residing in Iran, a regularization project was established, entitled the Comprehensive Regularization Plan for Foreign Nationals ("Comprehensive Regularization Plan"). The National Security Council's ordinance requires that all undocumented Afghan nationals register with one of the Registration Centres of the Bureau of Aliens and Foreign Immigrant Affairs (BAFIA). The aim of the Comprehensive Regularization Plan is to encourage the development of policies which facilitate population movement within the region. In addition to addressing the issue of the undocumented Afghan nationals, it also may help prevent the smuggling and trafficking of refugees and migrants into Iran.

B. Actors

- Government of the Islamic Republic of Iran (GIRI).

C. Actions

- Undocumented Afghan migrants and formerly registered refugees may register their stay in the Islamic Republic of Iran at one of the 146 centres set up in 17 provinces around the country.
- Once their stay in Iran has been regularized, they may present themselves at a "surety institute" (several of which are still in the process of being established) in order to receive assistance in applying for a job.

D. Review

It is still too early to review the success of the Comprehensive Regularization Plan, the second phase. Nonetheless, BAFIA informed UNHCR that approximately two million undocumented Afghans have registered for the Comprehensive Regularization Plan.

Panama: Regularization Law and Public Awareness Programme 2008 – 2010

According to Law 25/2008, refugees and persons granted political asylum who held refugee status for 10 years or more at the time the law entered into force may apply for permanent residency status. Permanent residents have the right to apply for naturalization after five years (or after three years if they have Panamanian children).

The law accordingly opens opportunities for refugees to integrate fully into society. Prior to the enactment of the law, refugees and their families only had temporary status which impeded integration. The law will only be in force for a period of two years until November 2010, unless it is renewed or replaced by similar legislation.

A joint information brochure, published by the Ombudsperson's Office and UNHCR, helped to enhance awareness of this opportunity amongst the refugee community.

Law 25/2008 is available online at: http://www.unhcr.org/47f250744.html.

Tanzania: Burundi Naturalization, A Model for Local Integration and Durable Solutions for Protracted Refugees 2008

Naturalization of Burundian refugees was introduced by the Government of Tanzania as part of a comprehensive solution strategy. Burundian refugees who sought refuge and had been resident in Tanzania since the 1972 crisis in Burundi were given the option of either returning home or obtaining citizenship in Tanzania.

The initiative, which was introduced in 2008 by the Government of Tanzania, foresaw the implementation of a massive naturalization programme for 160,000 Burundian refugees.

The naturalization programme has been commended by the international community as a remarkable step in finding solutions for one of Africa's longest staying refugee populations.

While the naturalization process is now completed, the relocation and reintegration of the newly naturalized Tanzanians elsewhere in the country has not yet started. It will require significant efforts by the Government, UNHCR and other partners, as well as donor support.

Annex 3 – Hovil, L. and Kweka, O., *Going Home or Staying Home? Ending Displacement for Burundian Refugees in Tanzania*, Citizenship and Forced Migration in the Great Lakes Region: Working Paper No. 1, 2008

Available online at: http://www.ssrc.org/publications/view/F24DFE71-2755-DE11-AFAC-001CC477EC70/.

Central Europe: The Integration Guide and Evaluation Tool for Refugee Integration[4]

The Integration Guide was commissioned by UNHCR and developed by the Migration Policy Group. The Integration Guide is a user guide that provides a critical review of the integration of beneficiaries of international protection through the Common European Asylum System. It also reviews broader EU cooperation on the integration of third-country nationals and mainstreams open methods of coordination in other EU policy areas, such as equal treatment and non-discrimination, socio-economic inclusion, education and intercultural dialogue, health, enterprise, multilingualism, research and public opinion. The Integration Guide includes a number of recommendations for policy makers and stakeholders.

Annex 4 – EU Support for Integration: What about Beneficiaries of International Protection? A User's Guide to EU Standards, Funds and Cooperation

The Integration Evaluation Tool is part of a necessary strategy shift in Europe where integration is the most common durable solution for refugees. It comprises 200 indicators grouped under four themes: general conditions; legal integration; socio-economic integration; and socio-cultural integration. It covers every aspect of a refugee's life from job skills and enrolment at school to government budgets for cultural orientation and social integration programmes.

Annex 5 – UNHCR, Refugee Integration Evaluation Tool: Helping Governments Measure Impact of Integration Policies

7.2.3. 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 for local integration or voluntary repatriation, or for those with specific needs who cannot find adequate protection in the country of origin or the country of asylum.[5]

In the context of mixed movements, resettlement can be an effective mechanism for burden sharing and international cooperation, providing options to assist first countries of asylum consistent with the principle of international solidarity. It can also allow first asylum countries to enhance the efficacy of protection, thereby diminishing secondary movements (as discussed further in Chapter 8). Resettlement agreements can encourage coastal States to allow for the disembarkation of refugees rescued at sea, by differentiating responsibilities for initial reception and processing arrangements from the provision of long-term solutions. A strategic use of resettlement in the context of a comprehensive approach that includes 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 part of a burden-sharing arrangement can be promoted by a single State, cooperation and coordination among numerous resettlement countries, first asylum countries and UNHCR, as well as other interested stakeholders, is likely to maximize the benefits. Negotiations between resettlement countries and countries of first asylum could establish the parameters for resettlement programmes, including multi-year resettlement agreements and assistance for local integration and other improvements in conditions for refugees in countries of first asylum.

4 See UNHCR, *Being a Refugee: How Refugees and Asylum Seekers Experience Life in Central Europe, 2009 Report*, 2010.
5 More information on refugee resettlement is available at: http://www.unhcr.org/pages/4a16b1676.html.

RESETTLEMENT COMPONENT OF THE MEXICO PLAN OF ACTION 2004 – PRESENT

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 MPA have also been applied to IDPs and migrants in Latin America. Among its components is a regional resettlement programme called the "Solidarity Resettlement Programme" (*"Reasentamiento Solidario"*) that promotes an equitable and strategic division of responsibility among countries in Latin America, building on regional solidarity and highlighting the importance of a regional approach.

B. Actors

- All Latin American countries;
- civil society;
- over 100 NGOs; and
- UNHCR.

C. Actions

- Selection missions, composed of government representatives and delegates from UNHCR, 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 conditions in the country of resettlement. For example, Argentina, Brazil and Chile provide future candidates with audio-visual information about cultural, political, economic, social and geographical conditions in their countries.
- Resettlement States provide refugees with pre-departure support. For example, Costa Rica and Ecuador provide physical, legal and socio-economic pre-departure support to urgent resettlement cases, including women–at-risk and victims of torture.
- All refugees selected for resettlement have the right to refuse the option of resettlement.

D. Review

A relatively small number of refugees have been resettled. This is largely due to financial limitations in emerging resettlement countries. However, The MPA was instrumental in opening resettlement channels in the region, both for refugees from within and outside the region. 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 as a durable solution for refugees.

E. Further Information

Annex 6 – Mexico Declaration and Plan of Action to Strengthen the International Protection of Refugees in Latin America, 16 November 2004

Italy: Resettlement of a Group of Eritrean Women Detained in Libya 2007

In 2007, the Italian Government responded positively to the call of UNHCR to resettle 36 refugees, mostly women, selected from among approximately 600 Eritreans living in the detention centre of Misratha, in Libya. Each of these women had been victims of violence, including sexual abuse, during their flight from Eritrea through Sudan to Libya, and could not obtain international protection in Libya, as they were under threat of being forcibly repatriated.

Most of the women who arrived remained in the programme and successfully integrated into Italian society, thus making the programme a model for receiving groups with specific protection needs. Some individuals who arrived with the first group left Italy and travelled irregularly to other countries to reunite with family members, thereby illustrating the importance of managing the expectations of refugees and providing them with information about the resettlement country before they are resettled.

ROMANIA: EMERGENCY TRANSIT CENTRE 2008 – PRESENT

A. Background and Rationale

The Emergency Transit Centre (ETC) was set up in Timişoara, following a Tripartite Agreement concluded between the Government of Romania, UNHCR and IOM in 2008. It is based on the recognition that evacuation from host countries may be needed to assure physical safety, prevent *refoulement* and address the needs of refugees who face particular risks, pending resettlement processing. The ETC hosts a maximum of 200 refugees for a period of six months.

B. Actors

- Government of Romania;
- IOM;
- UNHCR; and
- other partners, including the Generați Tânără, a Romanian NGO, local implementing partners, as well as resettlement countries, international donors, and Romanian citizens living in the vicinity of the ETC.

C. Actions

- UNHCR is responsible for identifying persons in need of evacuation and providing certification of their refugee status. UNHCR also covers the costs of food and domestic items, psychosocial support, educational and recreational activities, as well as language training and necessary medical care at the ETC.
- IOM handles the transportation of the refugees to Romania and from Romania to their resettlement countries, as well as health screenings and assessments prior to the evacuation journey, medical examinations for resettlement purposes and brief pre-embarkation medical checks before the final departure. During the stay at the ETC, IOM provides cultural orientation programmes to help refugees prepare for resettlement.

- The Government of Romania issues identity documents to refugees who are transferred to the ETC and is responsible for maintaining order at the centre. Seven days after UNHCR identifies the refugees in need of evacuation, the Romanian Immigration Office makes the final determination on whether to allow persons identified by UNHCR to enter Romania. The Government waives the requirement of visas for refugees to be accommodated at the ETC.
- Upon arrival at the ETC, refugees are counselled about their rights and obligations during their stay and provided with bed sheets, towels personal hygiene items, and clothing as needed. The ETC is equipped with prayer rooms, a leisure space for women and men, a sports hall, sports fields and a play area for children. Genera-i Tânără provides assistance to refugees and organizes trips to visit the city, make purchases and attend religious services.

D. Review

The ETC is a unique facility providing protection and assistance to refugees who are in urgent need of resettlement but who cannot access international protection in the first country of asylum because the security is not conducive to the processing of resettlement claims or due to a risk of *refoulement*.

The ETC is an innovative model that has made a difference in the lives of many refugees with specific needs. It is testament to Romania's commitment to protect refugees and find solutions to the challenges they face. It also demonstrates practical implementation of the principles of international solidarity and burden sharing and addresses an acute protection gap for refugees requiring emergency protection pending resettlement to third countries. The model has been replicated in the Philippines.[6]

E. Further Information

Annex 7 – Tripartite Agreement between the Government of Romania, UNHCR and IOM Regarding Temporary Evacuation to Romania of Persons in Urgent Need of International Protection and their Onward Resettlement, signed 08 May 2008

Annex 8 – Government of Romania, IOM and UNHCR, *The Emergency Transit Centre in Romania: Bringing refugees to safety*, 2009

7.3. Solutions based on migration frameworks

Refugees may be able to access temporary or longer-term solutions within existing migration frameworks. Such solutions may include options to legalize their status (regularization) or possibilities for onward legal migration to another country. This 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. Migration options may be provided in addition to solutions already available within the refugee-protection framework. However, they are especially important in circumstances where solutions for refugees are unavailable or ineffective in a host country and where a legal status under migration law could substantially reduce protection risks and provide access to the labour market, health services and education.

6 Further details on the Philippine initiative are available at: http://www.unhcr.org/4a9be1526.html.

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 immigration law may, but does not automatically, lead to a cessation of refugee status in international law. Even if refugees find solutions within existing migration frameworks, it is important to assess their protection needs and ensure that they are not at risk of *refoulement*.

While the refugee regime and labour migration schemes are based on two distinct rationales (i.e. international protection considerations in the former, and labour market requirements in the latter), there are situations where access to migration schemes can be beneficial to refugees.

MALAYSIA: SHORT-TERM RESIDENCE PERMITS FOR ACEHNESE REFUGEES AND MIGRANTS 2005

A. Background and Rationale

The Government of Malaysia is not a signatory to the 1951 Convention and does not have a national asylum procedure in place to recognize refugees and provide them protection. As a result, UNHCR-Malaysia issued temporary protection documents to Acehnese refugees. However, the authorities did not recognize the documents and did not provide redress from detention for unauthorized entry. Prior to the tsunami, the Government of Malaysia regarded Acehnese refugees as irregular migrants and continued to arrest and detain them. Releases were difficult to obtain, except 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 Acehnese residing in the country by issuing IMM-13 residence and work permits. UNHCR then decided to gradually phase out the issuance and renewal of temporary protection documents to Acehnese refugees in Malaysia.

B. Actors

- Government of Indonesia; and
- Government of Malaysia.

C. Actions

Temporary work permits were provided to 30,000 Acehnese refugees, thereby legalizing their status in Malaysia. The permit granted them:

- the right to enter and remain on the territory for a period of two years;
- the right to work and have access to health-care facilities, comparable to that enjoyed by migrants in a regular situation on the national 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 residence and work permit 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 the Acehnese refugees who joined the labour force.

While the exercise is largely viewed as successful, problems remained with regard to access to the full range of human rights, including the right to education. In addition, the IMM-13 cards were of poor quality and were sometimes dismissed as fakes and their holders detained until their status was clarified.

E. Further Information

Annex 9 – Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement, 15 August 2005

NIGERIA: REGULARIZATION OF SIERRA LEONEAN AND LIBERIAN REFUGEES 2007 – PRESENT

A. Background and Rationale

The 1975 Economic Community of West African States (ECOWAS) Treaty and the 1979 Protocol relating to the Free Movement of Persons, Residence and Establishment together with its four Supplementary Protocols are designed to facilitate integration in the West Africa region. They confer upon citizens of ECOWAS Member States the right to enter, reside and establish themselves in the territory of any Member State, provided they possess a valid travel document and international health certificate. Refugees originating from ECOWAS Member States enjoy equal treatment as host country nationals.

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 integrate remaining Liberian and Sierra Leonean refugees in Nigeria, while a cessation of their refugee status was pending.

The agreement acknowledges that the ECOWAS Protocols could be applied to refugees from Sierra Leone and Liberia in Nigeria and promotes the exploration of legal migrant status by all parties as a "solution" for refugees upon cessation of their refugee status.

B. Actors

- ECOWAS;
- Government of Liberia;
- Government of Nigeria;
- Government of Sierra Leone; and
- 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 two years, with the possibility of renewal. This permit allows individuals to work, reside and move 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 no longer benefit from refugee status.
- UNHCR covers the fees incurred for the issuance of passports and residence permits.
- 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 in their host country for a number of years, the option to reside and work while retaining their original nationality. It also releases post-conflict countries of origin from having to integrate too many returnees. Many of the citizens working outside their home countries in other ECOWAS Member States contribute remittances to their home countries and thereby contribute to reconstruction and development efforts.

Out of 1,634 Sierra Leonean refugees registered in Nigeria before the cessation, 339 opted for local integration. Since then, Sierra Leone has issued 242 passports to its citizens residing in Nigeria and Nigeria has issued the correlate two-year renewable resident permits, allowing these former refugees to stay and work in Nigeria.

While the process is less advanced for Liberians, according to a recent profiling exercise, an estimated 61 per cent of registered Liberian refugees and asylum-seekers have opted for local integration in Nigeria. UNHCR has already received and forwarded 185 Liberian passports to the competent Nigerian authorities for the issuance of residence permits.

Although the multipartite agreement is only applicable in Nigeria, several other countries in the region (e.g. Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, and Senegal) have also applied the protocols to facilitate the integration of former Sierra Leonean refugees. Following a total of 6,012 applications for local integration throughout the ECOWAS protocols, Sierra Leone has issued 5,150 passports to its citizens established in neighbouring ECOWAS countries.

E. Further Information

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Addressing secondary movements

CHAPTER 8

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Introduction

Mixed movements, whether voluntary or forced, regular or irregular, may involve several countries through which persons merely transit or in which they stay for shorter or longer periods of time. A variety of factors determine an individual's route, including:

- the time of, and reasons for, departure;
- entry, transit and exit requirements in the countries concerned;
- personal circumstances;
- material resources;
- historical or cultural ties to specific countries;
- family and other transnational social networks; and
- rumours and chance.

These factors may change during the course of an individual's journey. A final destination may also be determined by human smugglers facilitating travel. To the extent possible, an individual will consider all factors known to him/her and choose the best option based on an assessment of the particular circumstances, perceived risks, costs and benefits. 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 gaining access to international protection.

Refugees and asylum-seekers who have found protection may also subsequently move on to other countries. Such "secondary movements" of asylum-seekers and refugees can be of concern, both to States and to UNHCR, if they take place without the requisite authorizing documentation. Irregular secondary movements generally reflect a lack of available protection for refugees and asylum-seekers, including access to timely durable solutions.

In addition, secondary movements may in themselves create additional protection challenges. Irregular travel is often dangerous and can put the individual concerned in vulnerable situations. If both continued stay in the country of destination and re-entry to the first country of asylum are denied, "orbit" situations can be created where asylum-seekers are shifted from one country to another without having their asylum claims assessed. Orbit situations may ultimately result in *refoulement*.

As with any irregular movement, secondary movements can raise the spectre of transnational criminal and terrorist networks. States have expressed concern that secondary movements of refugees and asylum-seekers feed the human smuggling and trafficking industries, and make it more difficult for States to manage their asylum systems. Restrictive mechanisms adopted by States, such as increased border controls, visa requirements, prolonged detention and deportation, are in part a response to such concerns. In some countries, the asylum applications of secondary movers are rejected regardless of their protection needs or whether they can return to, 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 countries. Diverging interests of transit and destination countries have made it difficult to negotiate fair arrangements for international cooperation and burden sharing in this area.

Addressing secondary movements requires a strategy based on a careful and informed analysis of root causes that takes into account the legitimate concerns of all involved States and the rights and well-being of the individuals concerned. Strengthening protection capacities in first countries of asylum is often the best way to eliminate the causes of secondary movements. Some regions have also begun to harmonize standards with regards to asylum procedures and protection and to agree on cooperative arrangements to reduce secondary movements. While these arrangements may have shortcomings, they represent a positive step towards establishing effective responses to secondary movements.

Operationalizing mechanisms for addressing secondary movements: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Analyse the scope and root causes of secondary movements and the dynamics of such movements (push and pull factors).
- Enhance the protection capacity in host countries where it is inadequate, and reduce disparities in the level of protection granted in different countries.
- Inform asylum-seekers and refugees of the dangers of irregular onward movement through advocacy and assistance, including information campaigns, higher education projects and income-generating activities.
- Negotiate cooperative agreements among States in line with international standards.
- Facilitate the return of secondary movers to first countries of asylum where it can be ensured that protection safeguards, including the availability of international protection and durable solutions for refugees, are in place.

Support UNHCR can provide to partners

In its own operations, UNHCR is identifying and eliminating disparities in the level of assistance and protection services which the Office provides in different countries, particularly with regard to similar caseloads. To this end, UNHCR aims to achieve:

- greater consistency in waiting periods to access registration and RSD;
- harmonized recognition rates for similar groups of asylum-seekers; and
- equal access to similar durable solutions for refugees in the same or in comparable situations in different countries of first asylum.

To assist partners, UNHCR may also:

- collect information on, and analyse root causes of, secondary movements;
- draw attention to discrepancies in asylum practices and assist in enhancing protection capacities;
- assess protection risks in the country of first asylum and provide advice on the feasibility of return in line with international refugee law;
- inform asylum-seekers and refugees about the risks of irregular secondary movement;
- support governments in establishing regional and bilateral protection approaches to address secondary movements in line with international standards;
- facilitate re-admission and return between countries of first asylum and host countries; and
- monitor the implementation of re-admission agreements.

8.1. Assessing the scope and root causes of secondary movements

The importance of data collection and analysis on mixed movements was discussed in Chapter 2. Several recent surveys have highlighted the added value of gathering information specifically on secondary movements in order to develop an understanding of the scope and root causes of such movements. Accurate information helps to identify gaps and provides a solid basis to develop appropriate policy responses.

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 Initiative,[1] the Swiss Forum for Migration and Population Studies (SFM) carried out a survey on the travel routes of Somali asylum-seekers and refugees and their motivations for undertaking secondary movements.

Interviews were conducted with a sample set of Somali refugees and asylum-seekers in eight countries, namely: Djibouti, Egypt, Ethiopia, Kenya, the Netherlands, South Africa, Switzerland, 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; and
- UNHCR.

C. Actions

- Eight country studies were conducted between September 2004 and July 2005.
- Each country study took an average of four months and focused on three major issues: refugee protection regimes (e.g. law, policy and practice); the motivations and movement strategies of Somali refugees and asylum-seekers; and available statistical data to describe the 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.

1 Convention Plus was an international effort initiated and coordinated by UNHCR that aimed to improve the protection of refugees (including by finding durable solutions for them) through multilateral cooperation. For further information, see http://www.unhcr.org/pages/4a2792106.html.

D. Review

The survey is the most comprehensive regional study on secondary movements of Somali refugees and asylum-seekers. It provides a comprehensive overview of their motivations for onward movement. The aim of the survey was to gain insight into refugee reception conditions and asylum procedures, and to have a better understanding of the host countries' general attitude towards Somali refugees. The survey found that most refugees and asylum-seekers were motivated to move from their current host countries by the search for legal and socio-economic security. Secondary movement was used as a "rational coping mechanism" for asylum-seekers who could not effectively access international protection in the country of first asylum.

E. Further Information

Annex 1 – Moret, J., Baglioni, S. and Efionayi-Mäde, D. *The Path of Somali Refugees into Exile*, SFM Studies No. 46, 2006

Additional Examples

Trees Only Move in the Wind: A Study of Unaccompanied Afghan Children in Europe

This study was commissioned by UNHCR and carried out between November 2009 and March 2010. It focuses on the root causes of cross-border movements of unaccompanied children from Afghanistan and their onward movement to Europe. Interviews were conducted with approximately 150 young Afghan boys in six European countries. The research showed that the predominant factors triggering onward movements were a lack of durable solutions and complex asylum systems in countries of transit. The movement of each child was, however, unique and included a combination of factors. The study provided baseline data for future policy research on unaccompanied and separated children and will inform UNHCR advocacy strategies to protect children on the move.

Annex 2 – Mougne, C., *Trees only move in the wind: A study on Unaccompanied Afghan children in Europe*, UNHCR, 2010

See also Altai Consulting, *Study on Cross-Border Population Movements between Afghanistan and Pakistan*, UNHCR, 2009, available at: http://www.unhcr.org/4ad448670.html.

Survey on Secondary Movements, UNHCR-Mauritania 2006-2007

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 mixed movements into Mauritania were interviewed using a questionnaire that was specifically designed for this purpose. The results of the survey demonstrate that the choice of destination countries is mostly ad hoc and influenced by variables, such as the difficulty of travel and entry as well as the reception conditions in a particular country. The questionnaire was successful in gathering sensitive information on motivations for secondary movement. However, it did not specifically enquire whether or not asylum-seekers and refugees moved onward for protection-related reasons.

Annex 3 – Bullejos, J. N., *Rapport final sur les mouvements secondaires des flux migratoires mixtes arrivant en Mauritanie*, UNHCR, 2007

Survey on Secondary Movements in Romania: The Asylum-Migration Nexus

This survey, conducted by an independent researcher, used interviews to determine the motivations of asylum-seekers and refugees taking part in secondary movements. On the basis of the 10-Point Plan, the survey explored the extent to which the secondary movement of asylum-seekers and refugees may be occurring to and from Romania, as well as the factors that could be influencing this movement.

Annex 4 – Munteanu, A., "Secondary movement in Romania: The asylum-migration nexus", *New Issues in Refugee Research*, Research Paper No. 148, 2007, available at: http://www.unhcr.org/refworld/docid/4c2472ed0.html

Data Collection Questionnaire on Secondary Movements

This questionnaire was developed within the framework of the Somali and Eritrean Secondary Movements Working Group initiated by UNHCR in 2009. The Working Group aimed to identify the root causes of secondary movements, to map UNHCR's response in the various countries and to develop interventions to mitigate such movements. A standardized questionnaire was developed and used to collect both quantitative and qualitative data and covered key countries of asylum, transit and destination for Somalis and Eritreans.

Annex 5 – UNHCR, Questionnaire for Data Collection, 2009

The Afghanistan Protection Assessment Form

The Afghanistan Protection Assessment Form was developed by UNHCR-Malaysia in 2010. It includes questions on secondary movement among asylum-seekers from Afghanistan, many of whom have lived outside Afghanistan, in particular in Iran and Pakistan, for extended periods. The form is designed to collect information on the reasons for leaving Afghanistan, on access to asylum in the first country of asylum and on reasons for onward movements, as well as to identify vulnerabilities (e.g. legal and physical protection needs, serious medical conditions, mental and physical disabilities, experience of violence or torture, unaccompanied elderly refugees or unaccompanied and separated children). The information gathered in Malaysia and other field operations in Asia is collected through the use of dedicated registration data fields related to "Onward Movement". The data is monitored and analysed by the Regional Hub for Asia and the Pacific and informs UNHCR's protection strategies in the Asia Pacific Region.

Annex 6 – UNHCR, Afghanistan Protection Assessment Form, 2010

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

Some States experiencing large numbers of persons arriving as part of secondary movements have been supporting host countries with insufficient protection capacities, both directly and through funding projects implemented by UNHCR and other humanitarian actors. Additional projects to those found below are described in Chapters 4, 6 and 7.

GREECE: SUPPORT FOR ENHANCED ASYLUM MANAGEMENT 2010 – 2012

A. Background and Rationale

Support for enhanced asylum management ("the Project") is one component of a grant provided by the UK Border Agency to UNHCR. The Project started in June 2010 with an anticipated completion as of 31 December 2010. However, it is expected that the Project will be renewed for two additional years until 31 December 2012.

The Project has two complementary "pillars": (enhancement of) reception-screening processes; and (enhancement of) asylum procedures.

Objectives of the Project include: better and more equitable access to asylum procedures; expeditious and effective decision making on asylum claims; and greater confidence amongst asylum-seekers with regard to the effectiveness of the asylum system.

B. Actors

- UK Border Agency (UKBA);
- UNHCR-Greece; and
- implementing partners, namely the Greek Council for Refugees (legal aid), "METAction" (interpretation), and IOM-Greece.

C. Actions

- Conduct capacity-building exercises with Greek authorities in order to help them establish effective screening procedures for the identification of persons who may be in need of international protection as well as of persons with specific needs;
- support Greek authorities to improve conditions of administrative detention for asylum-seekers and other persons with specific needs;
- support the development of fair and efficient asylum procedures which provide asylum applicants with an adequate opportunity to fully present their asylum claims;
- ensure well-reasoned, first-instance asylum decisions; and
- conduct capacity-building and sensitization exercises on refugee issues with the local community.

D. Review

The Project only recently commenced and will be reviewed at the end of 2010 when the first results will be presented and evaluated in order to proceed to a possible renewal. The geographic scope of the Project might be adjusted to correspond to the most urgent needs at the time.

UNHCR STRENGTHENING PROTECTION CAPACITY PROJECT (SPCP) 2005 – 2009

A. Background and Rationale

The Strengthening Protection Capacity Project (SPCP) is a methodology developed by UNHCR in 2005 to assist governments in identifying and addressing protection challenges through a process of protection assessment, dialogue and joint planning. It aims to develop operational tools and concrete projects to improve protection by strengthening the capacities of both States and local communities to protect refugees and other populations of concern.

B. Actors

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

C. Actions

- Conduct a comprehensive analysis of gaps in protection and needs;
- hold national consultations with governments, international and national partners, and persons of concern to discuss the gaps identified and measures to remedy them;
- develop a multi-year plan of action with specific projects to improve legal and administrative capacity, enhance security, ensure that basic needs are met, ensure access to essential services (e.g. education), expand possibilities for livelihood opportunities, and facilitate solutions for the coming years; and
- mobilize resources to implement the SPCP.

D. Review

The SPCP was supported by several donors, including the EC, and it contributed to improvements in the protection of asylum-seekers and refugees in 12 countries. The key features of the SPCP were mainstreamed into UNHCR's Global Needs Assessment, an initiative that aims to map the overall needs of persons of concern and to determine with partners the interventions and budgets needed to address these needs.

The SPCP requires sufficient financial, technical and operational support. Effective coordination and the engagement of all actors, including States, international and national partners, and donors, are essential for further development and implementation of the SPCP.

E. Further Information

The SPCP project methodology as well as the content and results of UNHCR country projects are available at http://www.unhcr.org/pages/4a27cdfe6.html.

Annex 7 – UNHCR, *Protection Gaps Framework for Analysis: Strengthening Protection Capacity Project (SPCP)*, Second Edition, 2008

8.3. Developing regional and/or bilateral protection strategies

Inter-State burden sharing and cooperation are essential in order to effectively address secondary movements. Assisting countries of first asylum to establish meaningful protection capacities is an important component of that cooperation. A comprehensive bilateral and/or regional protection strategy also includes the following: development of harmonized protection standards in accordance with international law; a clear and fair distribution of responsibilities for examining asylum requests and granting asylum among States affected by certain secondary movements; as well as the re-admission and return of secondary movers to first countries of asylum where they have access to protection.

THE COMMON EUROPEAN ASYLUM SYSTEM

A. Background and Rationale

The EU currently has 27 Member States. In view of the number of persons seeking international protection and the abolition of most internal borders between EU Member States, the EU aims to develop and implement a Common European Asylum System (CEAS). This involves harmonizing asylum laws and policies and agreeing on the allocation of responsibilities for examining asylum requests between States. The Dublin II Regulation[2] is one of the mechanisms adopted for determining which EU Member State is responsible for examining an asylum request.

B. Actors

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

C. Actions

- Minimum standards have been adopted for temporary protection in situations of mass influx, reception conditions for asylum-seekers, asylum procedures, criteria for granting refugee status and subsidiary protection, and the treatment of persons who have been granted international protection.
- All EU Member States are to ensure that their national laws conform 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.

According to the Dublin II Regulation, an asylum-seeker must generally lodge an asylum application in the first country participating in the Dublin II system in which s/he arrives. An asylum-seeker may be returned to another State participating in the Dublin II Regulation if it can be shown that the person transited (by air, sea or land) through that State or made an application for asylum in that State. The Dublin II Regulation includes the safeguards indicated below.

- Obligation to examine: According to Article 3 (1), the State identified as responsible shall examine the asylum application.
- Sovereignty clause: The Dublin II 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 not be in the interests of the asylum applicant.

2 Council Regulation (EC) No. 343/2003 of 18 February establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in a Member States by a third-country national. For further information, see: http://www.unhcr.org/refworld/docid/3e5cf1c24.html.

- Humanitarian clause: The Dublin II Regulation also allows States participating in the Dublin system 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 Dublin II Regulation contains several provisions to ensure family unity (Articles 6-8).
- Procedures: The Dublin II 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 CEAS have advanced international refugee law in some important ways and also have helped to improve protection standards in various EU Member States. Protection practices, nevertheless, differ significantly between EU Member States. 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 II Regulation is based on the premise that asylum applicants have the same opportunity to receive protection in all participating States.

Implementation of the Dublin II Regulation remains challenging, especially for participating States that are experiencing capacity issues with their asylum systems. If procedural guarantees and appropriate reception conditions are not in place in the country to which asylum-seekers are returned, this may result in violations of international law, including the principle of *non-refoulement*.

E. Further Information

Annex 8 – 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 9 – UNHCR, *The Dublin II Regulation, a UNHCR discussion paper*, 2006

See also UNHCR's Comments on European Union law and policy, available at: http://www.unhcr.org/pages/4a0d667c6.html.

CENTRAL EUROPE: REGIONAL PROTECTION SUPPORT PROJECT BETWEEN BELARUS, MOLDOVA AND UKRAINE 2009 – 2010

A. Background and Rationale

The Regional Protection Support Project ("the Project"), which is funded by the EU, covers three countries along the Eastern Border of Europe, namely: Belarus, Moldova and Ukraine. The Project seeks to ensure that these countries remain open to persons in need of international protection and that RSD procedures are fair and effective.

B. Actors

- Participating countries (i.e. Belarus, Moldova and Ukraine);
- European Council for Refugees and Exiles (ECRE);
- State Border Guard Services and Ministries of Interior in the three participating countries;
- IOM;
- NGOs, civil society and refugee communities; and
- UNHCR.

C. Actions

- A Regional Steering Committee was established to coordinate and monitor implementation of the Project, as well as to facilitate coordination between the National Steering Committees, established at the country level, and other stakeholders in the region.
- The Project involves: collaborating on monitoring asylum-related issues at the border and in detention facilities; ensuring cross-border cooperation (including during implementation of re-admission agreements); facilitating access to national asylum procedures and the transfer of asylum applications from border guards to competent migration authorities; ensuring NGO-government cooperation and access of NGOs to borders and detention facilities; developing screening forms for the identification of asylum-seekers in mixed flows; finding durable solutions for refugees and persons with specific needs; and disseminating information leaflets.
- Inter-agency and bilateral cross-border coordination meetings were conducted on the Ukrainian-Hungarian, Ukrainian-Slovakian and Ukrainian-Romanian borders, focusing on asylum applications and the implementation of re-admission agreements. A regional cross-border coordination meeting was also held in the eastern region of Ukraine to involve border and asylum authorities from Russia.
- Monitoring missions combined with training activities were conducted at border venues; ECRE and UNHCR jointly organized a study tour for over 20 representatives from Border Guard Services, the Ministry of Interior, asylum authorities and NGOs to support initiatives to develop and implement protection-sensitive entry systems.

D. Review

The Project focuses on building strong partnerships and cooperation between all agencies and organizations from Belarus, Moldova and Ukraine, as well as cooperation with neighbouring countries through the exchange of experiences. Bilateral cooperation agreements between NGOs and Border Guard Services also help facilitate cooperation and access of NGOs to borders and detention facilities. Bilateral cooperation agreements between NGOs have been signed to foster their cooperation on refugee protection issues.

The profiling and referral form, developed with the support of UNHCR and IOM, is intended for staff of the Ministry of Interior and State Border Guard Services in order to identify asylum-seekers, trafficked persons, unaccompanied or separated children and other persons of concern in cross-border movements who might be at risk of detention, expulsion or deportation due to their irregular entry or stay.

In Ukraine, the profiling and referral form will be complemented by a handbook/brochure to serve as a reference guide for staff of the Ministry of Interior and State Border Guard Services. A MOU was concluded between the Belarusian State Border Committee, the Belarusian Ministry of Internal Affairs, two Belarusian NGOs, IOM and UNHCR to ensure effective cooperation of the project activities. In Moldova, internal instructions governing the transfer of asylum-seekers from the State border to the central refugee authority have been developed for Border Guard Services and a Practical Guide on asylum legislation and referral of asylum-seekers from the State border to the central refugee authority has been published in Romanian by UNHCR-Moldova in close cooperation with relevant State authorities.

E. Further Information

Available at: http://unhcr.org.ua/main.php?article_id=172&view=full.

RE-ADMISSION OF ERITREAN REFUGEES RETURNED FROM EGYPT TO ETHIOPIA 2008 – PRESENT

A. Background and Rationale

In search of a better life, Eritreans, including asylum-seekers and refugees in Ethiopia, move on towards Sudan and/or Yemen, using the same routes as migrants heading to the Middle East and to Europe. A re-admission agreement between the Governments of Ethiopia and Egypt facilitates the return of Eritrean asylum-seekers and refugees to Ethiopia.

B. Actors

- Government of Ethiopia (ARRA)-Ethiopian Administration for Refugee/Returnee Affairs;
- Government of Egypt;
- IOM; and
- UNHCR.

C. Actions

- As at August 2010, ARRA had registered and documented 1,539 Eritreans who were returned by the Egyptian authorities.
- ARRA undertakes RSD (whereby Eritreans are granted refugee status on a prima facie basis) and refers returnees to the refugee camps. Persons with specific needs receive special assistance in accordance with their needs and may be admitted to the urban assistance programme.
- UNHCR has full access to the returnees, can monitor their conditions and (re)instate assistance and protection in refugee camps in the northern part of the country.
- In 2009, UNHCR reinforced information campaigns on the dangers of secondary movements. (For further information, see Chapter 10.)
- UNHCR, in cooperation with the ARRA, IOM, and other stakeholders, is raising funds for projects to:
  - strengthen sensitization and awareness-raising campaigns, through the increased involvement of returnees willing to share their experiences, in order to curb secondary movements of Eritrean refugees living in refugee camps in Ethiopia;
  - provide psychosocial, trauma counselling support for returnees who have survived violence, trauma and abuses; and
  - strengthen education and training opportunities for refugees.

D. Review

To date, none of the returnees have reported problems with the Ethiopian authorities when re-establishing themselves in Ethiopia. The Ethiopian Government provides UNHCR with regular information on the arrival of returnees. The ARRA screens, registers and documents returnees; while UNHCR monitors these activities. It has been difficult, however, for UNHCR to find adequate capacity and resources to assist returnees, especially women, who have suffered sexual and gender-based violence (SGBV) or other forms of violence during their journey. Furthermore, many returned Eritreans choose not to go to the refugee camp and are considered by the ARRA as residing "illegally" in the urban areas of Ethiopia.

8.4. Supporting and monitoring re-admission of secondary movers to their first country of asylum

Return and re-admission of asylum-seekers and refugees to their first country of asylum can raise a number of protection concerns, especially if the re-admission agreements concluded between destination countries and countries of first asylum do not contain adequate protection safeguards. The re-admission 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 the asylum procedure and, if recognized as refugees, granted international protection.

CENTRAL EUROPE: CROSS-BORDER COOPERATION AND MONITORING AMONG HUMANITARIAN ACTORS 2005 – 2008

A. Background and Rationale

In 2005, the European Council on Refugees and Exiles (ECRE) and UNHCR supported NGOs to develop a mechanism for monitoring re-admission practices along the border of Ukraine and its neighbouring EU Member States. NGOs were concerned that asylum-seekers had not been given access to the territory and/or the asylum procedure in those neighbouring countries.

Cross-border meetings were held, and a monitoring form was prepared for use during monitoring exercises. The aim was to identify individuals who had attempted to seek asylum before being returned to Ukraine and to assist UNHCR, ECRE and NGOs in advocating with the Ukrainian authorities for their protection. In view of the planned implementation of the EU-Ukraine re-admission agreement and the existence of bilateral re-admission agreements between the EU and neighbouring States, UNHCR, ECRE and NGOs met again in 2008 to discuss both the protection challenges arising in the context of return and re-admission of third-country nationals to States bordering the EU, and how they could be better addressed through enhanced cross-border cooperation.

B. Actors

- ECRE;
- non-governmental partners in Belarus, Hungary, Moldova, Poland, Romania, Slovakia and Ukraine; and
- UNHCR.

C. Actions

- enhanced cross-border networking to improve monitoring of re-admission and return, to ensure access to protection in individual cases and to acquire general information about the return and re-admission process;
- adopted an information-sharing protocol, which provides guidance on the type/format/modalities of information sharing related to border monitoring; and
- agreed on how best to revise and improve use of a "re-admission 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 EU border. It also facilitated an exchange of information through formalized procedures and improved protection intervention strategies in individual cases. Both sides now have access to more information to facilitate their work with the border authorities, and developments and trends on re-admission are easier to monitor and report.

E. Further Information

Annex 10 – UNHCR, Readmission Interview Form

Establishment of an Independent Observatory Mechanism to Monitor Re-admission to Ukraine and Moldova

The establishment of an Independent Observatory Mechanism to Monitor Re-admission to Ukraine and Moldova is part of a two-year project initiated by IOM in April 2009.

The project aims to support and monitor the re-admission process in Moldova and Ukraine. The project also aims to ensure that the principle of *non-refoulemen*t is respected in the re-admission process and that asylum-seekers are identified and receive initial legal advice and counselling.

The independent observatory mechanism includes a joint IOM-UNHCR-NGO-EU monitoring team. The project also includes monitoring in some border guard facilities along the border of western Ukraine, at the airport in Kiev, and at two migrant detention centres in Ukraine and one in Moldova.

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Return arrangements for non-refugees and alternative migration options

CHAPTER 9

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Introduction

An effective migration management system provides outcomes for all persons travelling within mixed movements, including non-refugees (hereafter referred to as "persons who are not refugees"). This group includes persons found not to be in need of international protection and without compelling humanitarian reasons to stay in the host country ("unsuccessful asylum-seekers") as well as persons who have never sought asylum. Persons who have withdrawn their asylum claims and who wish to return to their countries of origin also fall into this group.

Providing effective and efficient outcomes to persons who are not refugees is essential to maintain credible asylum systems and prevent irregular onward movement. Demonstrating that misuse of the asylum system cannot function as a "back door" alternative to regular migration also serves as a strategy to deter irregular migration and to reduce incentives for human smuggling and trafficking.

The 10-Point Plan proposes two options for persons who are not refugees: return to the country of origin or access to alternative legal migration options (i.e. regularization in the host country or legal onward movement to another country). Since the latter option is generally only available to individuals with a specific profile or in specific circumstances, the focus of this Chapter is on return. Nonetheless, some practical examples of alternative migration options are also provided. Additional examples of alternative migration options are provided in Chapter 7.

Sustainability of return is best guaranteed if individuals who do not have a right to stay in a host country return home voluntarily. Voluntariness ensures that the return takes place in a safe and dignified manner. It is also cost-effective for the returning State. Several countries have developed good practices to encourage and support voluntary and sustainable return. These include: the provision of information and counselling on return options and circumstances in the countries of origin; the granting of reintegration assistance; and post-return monitoring. Some countries have also established initiatives to ensure that the specific needs of groups, such as unaccompanied/separated children, people with disabilities, and others, are addressed during the return process.

IOM is a particularly important actor with regard to the voluntary return and reintegration of migrants. IOM has assisted many governments in establishing return migration programmes and has helped persons return home in an orderly and humane manner. Other organizations have also provided support and assistance for certain voluntary return operations. Although persons who are not refugees generally fall outside UNHCR's mandate, on a number of occasions the Office has positively responded to requests for assistance from States, and it has recognized the impact of return policies and practices on the international refugee protection system.

While separate considerations apply to the repatriation of refugees (as outlined further in Chapter 7), as well as to the return of refugees and asylum-seekers to a first country of asylum (as outlined further in Chapter 8), some of the general aspects of return management that are outlined in this Chapter are relevant to all return movements. Of particular importance is the need to prevent *refoulement* and to promote voluntary, humane, dignified and sustainable returns.[1]

1 The practical examples contained in this Chapter include recommendations made at the 10-Point Plan Expert Roundtable No. 3: "The Return of Non-Refugees and Alternative Migration Options," held in Geneva, Switzerland, 30 November - 01 December, 2009. The recommendations made at the roundtable as well as other related document are available at: http://www.unhcr.org/4b9f99f7148.html.

Operationalizing the return of persons who are not refugees and alternative migration options: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Promote voluntary and sustainable return, and develop information campaigns and awareness-raising strategies to inform potential returnees of all available options, as well as the circumstances in countries of origin and the dangers of irregular movements.
- Foster partnerships with key actors, and create appropriate referral mechanisms.
- Train authorities and civil society actors on how to ensure humane and dignified returns in accordance with human rights standards.
- Conduct risk assessments, where relevant, prior to return to identify international protection needs and ensure respect for the principle of *non-refoulement*.
- Engage in return counselling, tailor responses to meet specific needs of returnees during and after the return process, and provide post-return monitoring.
- Facilitate voluntary return for those wishing to return to their countries of origin.
- Encourage the participation of returnees in reintegration plans, and monitor reintegration activities that benefit the individual and the community in the country of origin.
- Promote cooperation between host countries and countries of origin with regard to return and reintegration.
- Raise awareness of regular migration options based on existing migration frameworks, including regularization or legal onward movement, and explore the establishment of new programmes.

Support UNHCR can provide to partners

- Support appropriate outcomes for persons who are not refugees in order to create protection space for refugees.
- Support States in their efforts to return persons who are not refugees, provided the Office's involvement is fully consistent with its humanitarian mandate to protect persons in need of international protection. UNHCR's involvement may be particularly useful to promote and support sustainable returns in the following areas: the return of stateless persons; return to post-conflict situations; and the return of persons with specific needs.
- Assist the returning country to verify that returnees do not have international protection needs, and take a clear public position on the acceptability of return in appropriate circumstances.
- Inform, where and when appropriate, asylum-seekers of return options during the asylum procedure, and refer rejected asylum-seekers to relevant actors such as IOM.
- Provide information on the country of origin, and facilitate access to travel documentation.

- Lobby for funding to allow IOM and other partners to establish or broaden their assisted voluntary return and reintegration (AVRR) programmes.
- Develop collaborative strategies with key actors to assist and protect persons with specific needs (e.g. trafficked persons and unaccompanied and separated children).
- Negotiate for the inclusion of protection provisions in bilateral and multilateral readmission agreements.
- Establish post-return monitoring mechanisms in coordination with key actors to identify protection needs in countries of origin, and monitor the reintegration of persons with specific needs, especially persons from minority groups.

9.1. Return

9.1.1. Respecting the principle of non-refoulement in the return process and ensuring return in safety and with dignity

Asylum procedures are the primary mechanism to ensure that individuals are not returned to situations where they face a risk of persecution or other irreparable harm. However, some individuals in the return procedure may not have had access to asylum procedures or, if they have, new risks may have developed in the country of origin. It is therefore important that the return process include safeguards to ensure respect for the principle of *non-refoulement*. States have adopted two different approaches for assessing new or unexamined risks: either re-referral to the asylum procedure; or through the establishment of a separate process for the examination of these risks as part of the return procedure (as illustrated in the first example in this Chapter, Canada: Pre-Removal Risk Assessment). Concerns that some returnees might abuse such a process in order to prolong their stay are best addressed through efficient procedural and case management mechanisms (as outlined further in Chapter 6).

CANADA: PRE-REMOVAL RISK ASSESSMENT (PRRA) 2001 – PRESENT

A. Background and Rationale

The Pre-Removal Risk Assessment (PRRA) programme evaluates risk assessment applications prior to the enforcement of removal orders. The PRRA seeks to uphold the principle of *non-refoulement* and to assess any risks associated with return to the country of origin. Two categories of persons are eligible to apply for a PRRA:

- asylum-seekers who were denied refugee status and who submit an application based on a change of circumstances; and
- claimants who request protection for the first time based on an alleged risk after receiving a removal order due to contravention of conditions of stay in Canada.

B. Actors

- 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 for a PRRA.
- The risks assessed during the PRRA include risk of persecution as defined in the 1951 Convention, risk of torture, risk to life or risk of being subjected to cruel and unusual treatment or punishment.
- To support PRRA applications, unsuccessful asylum-seekers may only present new evidence of risks that arose after their initial asylum hearing. Persons who have not previously sought asylum are not limited by this rule and may produce any documentation in support of their PRRA application.
- First-time PRRA applicants are not removed until completion of the risk assessment. Repeat PRRA applicants may be removed prior to a determination, but they are entitled to a visa to return to Canada if the application is ultimately successful.

- If the CIC considers that the applicant is at risk, s/he is entitled to a "protected person" status and, in most circumstances, eventually may apply for permanent residence.
- Where an individual is excludable under Article 1(F) of the 1951 Convention or for reasons of security or serious criminality, a positive determination results in a stay of removal.
- If the PRRA officer does not find an individual at risk, s/he is subject to removal; however, the individual can apply to the Federal Court of Canada for a judicial review.

D. Review

The PRRA, which is assessed by a different government entity than the one responsible for conducting returns, is an important procedural safeguard in the return procedure and helps ensure that the return process does not result in serious human rights violations. To improve consistency across regional PRRA offices, the CIC conducted a formative evaluation in 2008. The acceptance rate, however, is exceptionally low (below 5 per cent).

Similar risk assessments are undertaken on a case-by-case basis, in a less formal manner, in many European countries.

E. Further information

The outcome of the PRRA evaluation is available on the CIC website at: www.cic.gc.ca.

9.1.2. Training national authorities

Respect for the rights and human dignity of returnees during the return process can be challenging, particularly in the event of forced returns. Developing guidelines and training for law enforcement officials can promote a better understanding of applicable legal and policy standards as well as appropriate tools to handle difficult situations in a way that respects the rights and dignity of the returnees. Training can also equip national authorities to identify persons with specific needs and establish appropriate channels for referral. (See Chapters 3, 5 and 6.)

DENMARK AND EU MEMBER STATES: TRAINING NATIONAL POLICE ON RETURN OPERATIONS 2008 – 2009

A. Background and Rationale

This project of the Danish Refugee Council (DRC), The Danish National Police and The Dutch Council for Refugees aimed to develop the knowledge and capacity of certain EU national authorities responsible for preparing and implementing return operations. This project sought to ensure the sustainability of return by increasing voluntary returns, ensuring respect for the rights of returnees and emphasizing the human dignity of returnees in the return process.

B. Actors

- Danish National Police;
- DRC; and
- Dutch Council for Refugees.

C. Actions

- Conducted training for relevant police officials, based on a curriculum developed in cooperation with the DRC and Danish National Police;
- conducted a "training-of-trainers" (ToT) session on return issues and held an evaluation workshop to improve the training models; and
- developed international training materials and a report on best practices in preparing and implementing return operations, based on the training curriculum and hands-on experience whilst training the Danish National Police, and distributed these materials to all EU Member State authorities involved in return operations and to selected civil society organizations.

D. Review

The project addressed the need to develop the capacity of national authorities in EU Member States and to ensure the effective preparation and implementation of return operations, while respecting the human rights and dignity of returnees. The project and the training received positive responses, including from the Danish National Police. A second training session for new officers of the Danish National Police is planned.

E. Further information

Available on the DRC's website at: www.drc.dk.

9.1.3. Promoting and assisting voluntary and sustainable return

Voluntary return is generally more cost-effective and administratively less cumbersome than forced return for the returning country. Countries of origin also prefer voluntary return because it helps ensure that the rights of their nationals are respected and avoids the stigma of forced returns. Voluntary return can be promoted and supported in many ways, ranging from pre-return support to post-return monitoring. Among the activities that have proven particularly useful are:

- the establishment of appropriate referral mechanisms for agencies assisting with voluntary return in the host country;
- the provision of information and counselling on return options;
- the dissemination of accurate and up-to-date country of origin information; and
- the provision of reintegration assistance.

9.1.3.1. Comprehensive initiatives

IOM ASSISTED VOLUNTARY RETURN AND REINTEGRATION (AVRR) PROGRAMMES 1979 – PRESENT

A. Background and Rationale

AVRR is a well-established area of IOM expertise. Since 1979, IOM's AVRR activities have grown to include more than 100 projects, helping individuals to return to approximately 160 countries worldwide. In the past decade alone, IOM has assisted up to 3.5 million migrants to return voluntarily to their home countries.

AVRR Programmes aim to support the orderly, humane and cost-effective return and reintegration of migrants who are unable or unwilling to remain in their host countries and who wish to return voluntarily to their countries of origin. IOM implements AVRR from an ever-increasing number of host and transit countries and supports reintegration activities in many countries of origin. The conditions under which assistance is provided and the nature and extent of resources made available to return migrants and support their reintegration vary from country to country.

B. Actors

- IOM; as well as
- national counterparts and a network of partners both in host countries and countries of origin.

C. Actions

IOM AVRR activities are developed to respond to the specific humanitarian needs of migrants and to provide dignified and safe returns. Each AVRR Programme consists of three essential elements:

- pre-departure assistance;
- transportation assistance; and
- post-arrival assistance.

This assistance is provided to unsuccessful asylum-seekers, migrants in an irregular situation, migrants stranded in transit, stranded students and other persons in similar circumstances. IOM AVRR Programmes are either available to all migrants in an irregular situation in a particular country or tailored to the particular needs of particular groups, including migrants with specific needs (e.g. trafficked persons).

IOM assistance typically includes information dissemination on return possibilities, the provision of country of origin information, referral to available services, the arrangement of travel to the home location (including travel documentation and escorts) and limited support towards reinsertion in the country of origin. Assistance may also include profiling target groups and providing return information and counselling to potential returnees, as well as medical assistance, reception and longer-term reintegration assistance in order to facilitate sustainable returns (e.g. support for vocational training, income-generating activities, etc.).

Most of the IOM AVRR Programmes include an evaluation component. IOM also provides technical and other support to governments in order to improve the management of return caseloads and to facilitate return migration dialogue among countries of origin, transit and destination.

The "IOM Stories of Return" provide a snapshot of returnees who have agreed to share their experiences regarding return and reintegration assistance received through IOM AVRR Programmes.[2]

2 See, for instance, IOM, *Stories of Return: Iraq,* 2010, available at: http://www.iomlondon.org/doc/stories/Iraq%20SoRs%20Nov%202010.pdf.

D. Review

The AVRR Programmes adopt a cooperative approach through the engagement of countries of origin, transit and destination in order to establish partnerships to better manage returns within broader migration frameworks. The cooperation thus initiated in the context of voluntary return among the various parties constitutes a platform for discussion on, inter alia, possibilities to establish and facilitate legal migration channels. In doing so, it enhances the positive value of coordinated migration management, including voluntary return options.

The pre-departure, transportation and post-arrival components, coupled with reintegration assistance, contribute to the sustainability of returns, to the benefit of both migrants and States. IOM's experience also demonstrates that AVRR Programmes are more effective if information on voluntary return options is given to asylum-seekers at an early stage in the asylum procedure.

E. Further Information

For further information on AVRR Programmes and an overview of the specific country projects, see:
http://www.iom.int/jahia/Jahia/activities/by-theme/regulating-migration/return-assistance-migrants-governments.
Note: The IOM Global Assistance Fund (GAF) is a global referral, assessment and rapid assistance mechanism for the return and/or reintegration of stranded trafficked persons who are unable to access, or are not otherwise eligible for, assistance under existing AVRR Programmes and/or reintegration assistance programmes.

Morocco: IOM/UNHCR Referral for the Return of Unsuccessful Asylum-seekers 2008 – Present

UNHCR-Morocco systematically refers rejected asylum-seekers to the IOM programme "Assisted Voluntary Return and Reintegration of irregular migrants in Morocco to their countries of origin" (AVRR Programme) for assistance. Asylum-seekers who no longer wish to pursue their asylum claims and who choose to return voluntarily to their countries of origin are also referred to IOM.

In July and August 2009, an IOM evaluation was conducted for 41 returnees in Guinea, Senegal and Congo-Brazzaville. The findings revealed that 76 per cent of the returns had proven sustainable and 88 per cent of the beneficiaries expressed their intention to remain at home following their successful reintegration.

Annex 1 – IOM, Programme de retour volontaire assisté de migrants en situation irrégulière au Maroc et de réinsertion dans leur pays d'origine, Avril 2010 (French only)[3]

3 UNHCR and IOM have submitted a two-year, joint project to the Spanish Development Cooperation to support the establishment of a comprehensive migration management strategy and an asylum capacity-building programme.

ERCRI: A Study on How to Support Sustainable Return in Safety and Dignity
2009

The European Red Cross Return Initiative (ERCRI) issued a study, the results of which offer a best practice model for return arrangements. This study also provided the ICRC and IFRC, as well as governments and EU institutions, with recommendations to develop the capacities of National Red Cross and Red Crescent Societies with regard to return, to enhance coordination of return activities and to complement return management activities implemented by EU Member States and other key actors.

Annex 2 – ERCRI, *A study on how to support sustainable return in safety and dignity*, 2009

9.1.3.2. Access to return information and provision of country of origin information

Comprehensive information packages and counselling, which include return information, ensure that persons are aware of their options and can make informed decisions. As outlined in Chapter 4, it is important that such information be provided as early as possible after arrival. However, ongoing access to return information throughout various procedures is also essential, as it may encourage persons who are at other stages of the procedure and who lack the possibility to legalize their stay to return. To avoid any ambiguity, return information provided to asylum-seekers generally clearly states that those in need of international protection will have the opportunity to seek and be granted asylum.

After the decision to return has been taken, the continual provision of up-to-date country of origin information, including information on socio-economic conditions, will help the individual to prepare for his/her return and reintegration. Participation by returnees in reintegration planning can ensure that assistance is tailored to specific needs and skills.

Europe: The IRRiCO Project
"Information on Return and Reintegration in Countries of Origin"
2007 – Present

The IRRiCO Project, entitled "Information on Return and Reintegration in Countries of Origin", which was initiated by IOM in 2007, developed a joint approach for gathering, consolidating and sharing information on countries of origin in order to ensure that migrants were provided with reliable, up-to-date information on return and reintegration possibilities as well as on the socio-economic conditions in the country of origin.

Under the IRRiCO II Project, entitled the "Enhanced and integrated approach regarding information on return and reintegration in countries of origin", country factsheets provide a general overview of the situation in a specific country of origin as well as a list of contact details for relevant organizations and service providers. Return and reintegration information is stored in a database, which facilitates the exchange of individual queries between IOM offices. Communication strategies were developed focusing on the diaspora of returnees in selected host countries. Outreach activities in host countries inform migrants and return counsellors of return options, and information sessions, leaflets and posters are provided in various languages. The public website of the project provides easy access to information on return and reintegration possibilities in nearly 20 countries.

Annex 3 – IOM, Practical Guide on Information Provision Regarding Return and Reintegration in Countries of Origin, 2010

Further information is available at: http://irrico.belgium.iom.int.

Europe: The Country of Return Information (CRI) Project 2009 – 2010

A network of European NGOs and grassroots organizations in selected countries of origin launched the Country of Return Information (CRI) Project in order to collect information on selected countries of origin as well as on reintegration possibilities in the countries. The purpose of the project was to facilitate the provision of information to migrants, refugees and asylum-seekers.

Information is accessible through country reports, country factsheets and presentations. Advice on return is provided through an information helpdesk. As a follow-up to the project, the Flemish Refugee Council in Belgium implemented a national return information project entitled "CRI-Belgium" in cooperation with Caritas International. The information provided through the CRI Project is drawn from a wide variety of sources, and the research methodology ranges from general to applied research (academic articles to empirical studies) collected by a variety of actors (national and sub-national actors in countries of origin and countries of destination).

Annex 4 – Henau, S., *An Issues Handbook: The Case of the "Country of Return Information and Vulnerable Groups Project"*, CRI Project, 2009

Further information is available at: http://www.cri-project.eu.

Germany: The Information Centre for Voluntary Return (ZIRF) 2006 – Present

The Information Centre for Voluntary Return (ZIRF) was developed in mid-2003 by the Federal Office for Migration and Refugees in Germany. ZIRF provides relevant information to returnees and federal authorities on voluntary return and assistance programmes, as well as counselling possibilities throughout Germany and contacts for relevant agencies involved in the return process.

ZIRF maintains an extensive collection of up-to-date and relevant information on assisted returns, conditions in countries of origin and transit, as well as integration in Germany. An expert forum consisting of judges, academics, lawyers and NGOs analyses the collated information and provides advice and guidance on asylum, refugee protection and migration. Country factsheets on the general situation in countries of origin, including health care, the labour market and housing, are prepared and made available to a wide audience. ZIRF answers inquiries from counselling agencies and public authorities on available return options, and individual queries are collected in the ZIRF database, which is available on the website of the Federal Office for Migration and Refugees.

Annex 5 – German Federal Office for Migration and Refugees, Information Note on the Information Centre for Voluntary Return (ZIRF), 2009

9.1.3.3. Cooperation between host countries and countries of origin

Cooperation between a host State and the country of origin can help ensure that return takes place in an orderly, dignified and predictable manner. The return of persons who are not refugees is on the agenda of many regional consultative processes (as outlined in Chapter 1). Cooperation could include assessing the impact of returns on the country of origin and providing financial support, including to local communities. States often formalize operational arrangements on return through bilateral readmission agreements. These accords are frequently coupled with development assistance and other financial support for countries of origin.

Indo-Chinese Comprehensive Plan of Action (CPA)
1988 – 1997

The return of persons who were not refugees was a crucial element of the Indo-Chinese Comprehensive Plan of Action (CPA). It helped strengthen the asylum process and identify appropriate outcomes for these individuals in accordance with international standards.

The MOU signed between UNHCR and Vietnam facilitated the repatriation and readmission of Vietnamese nationals without international protection needs. IOM conducted medical screening, provided transportation assistance and facilitated the return of migrants to their countries of origin in a safe and orderly manner.

See Chapter 1 for further details on the CPA.

IOM "CLUSTER INITIATIVE" BETWEEN COUNTRIES IN WESTERN EUROPE AND THE SOUTH CAUCASUS
2001 – PRESENT

A. Background and Rationale

IOM promotes regional processes among countries of origin, transit and destination. An example is the bilateral "cluster initiative" for countries of the South Caucasus and those in Western Europe. The cluster 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 in the South Caucasus (Armenia, Azerbaijan and Georgia);
- Countries of destination in Western Europe (Belgium, Denmark, Germany, the Netherlands, Sweden and Switzerland); and
- IOM.

C. Actions

The first phase of the cluster initiative began in the period 2001-2002. The purpose of this early phase of the process was to:

- increase effective cooperation on the return of unsuccessful asylum-seekers and migrants in an irregular situation;
- facilitate the voluntary return and reintegration of returnees through capacity building in countries of origin; and
- establish mechanisms to prevent irregular migration, including information campaigns in the South Caucasus.

The second phase of the initiative, in place since 2006, focuses on discussions regarding opening regular migration channels (including labour migration schemes). The purpose of the second phase is to develop an integrated approach to:

- promote legal migration through national capacity building and inter-regional dialogue;
- establish migration resource centres as a basis for outreach and information dissemination about foreign and domestic employment and living and working conditions abroad, as well as the provision of legal counselling to targeted groups;
- enable Migration Resource Centres and local actors to conduct baseline and follow-up surveys and studies on regular and irregular migration flows and reintegration possibilities;
- enhance the labour migration management skills of government officials and private sector representatives by conducting training workshops based on international standards; and
- develop activities for the promotion of the employment of workers nationally and abroad, and prevent recruitment abuse.

D. Review

The cluster initiative provides a forum to facilitate technical cooperation among migration management 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 facilitate coordination with European counterparts and to disseminate information and provide counselling to returnees. The cluster process has strengthened the benefits of existing inter-regional migration and asylum management dialogues between the origin and transit countries of the South Caucasus and receiving EU Member States, as well as non-EU Member States (e.g. Switzerland).

GEORGIA: ENHANCED RETURN TO GEORGIA OPERATIONALLY (ERGO)
2009 – 2011

A. Background and Rationale

Several Member States of the EU are negotiating readmission agreements with Georgia. The Enhanced Return to Georgia Operationally (ERGO) Project ("the ERGO Project") seeks to support Georgia in developing mechanisms for dignified and sustainable returns and reintegration, whether spontaneously or on the basis of readmission agreements.[4]

B. Actors

- Danish Refugee Council (DRC);
- International Centre for Migration Policy Development (ICMPD);
- Government of Georgia (Ministry of Refugees and Accommodation, Ministry of Foreign Affairs, Ministry of Interior, Civil Registry Agency of the Ministry of Justice);
- Georgian Young Lawyers' Association; and
- Participating EU Member States, namely Poland and the Netherlands.

UNHCR and the Citizenship and Migration Board of Estonia are associates in the project.

C. Actions

The ERGO Project consists of two main components.

- Support for the development of model readmission and reintegration mechanisms to improve bilateral cooperation between the competent authorities in Georgia and each of the participating EU Member States:
  - establish a network of focal points to enhance knowledge on respective working methods;
  - ensure a rights-based approach to return and reintegration; and
  - monitor each return case under established readmission agreements and conduct joint assessments with the view to drafting a manual on good practices and policy options.
- Support for the practical implementation of the readmission and reintegration policies and procedures:
  - conduct capacity-building trainings for government staff and local NGOs;
  - create a working group comprised of Georgian Government institutions, NGOs, international organizations and Georgian academics to explore reintegration assistance for potential returnees;
  - develop information services for Georgians currently residing in the EU;
  - gather and disseminate up-to-date information on return options, rights of returnees, readmission, and reintegration in countries of origin to potential returnees;

4 See also the Bilateral Cooperation between the Czech Republic and Georgia, which offers opportunities for unsuccessful asylum-seekers, irregular migrants and stranded migrants returning to Georgia, including: projects implemented by IOM on assisted voluntary returns (AVR); legal migration opportunities and campaigns informing on the dangers of irregular migration; and reintegration assistance to returnees in the form of job counseling, referral to service providers, vocational training, job placement and small business development. Further information is available at: http://www.iom.int/jahia/Jahia/activities/regulating-migration/return-assistance-migrants-governments/georgian-migrants.

– create a tailored "reintegration assistance package" consisting of free legal aid, psychosocial support and counselling for returnees;
– undertake information campaigns to increase knowledge of return options and decrease the stigma associated with returnees; and
– develop a returnee assistance manual for government agencies.

D. Review

The ERGO Project adopted an integrated and rights-based approach in order to assist the Georgian Government with reintegration procedures and to provide assistance to returnees with the support of civil society actors. The programme is still in the implementation phase. It is envisaged that the project will contribute to the negotiation and practical implementation of readmission policies and procedures by establishing sustainable working relations between each participating EU Member State and the Georgian Government. The ERGO Project will be assessed on a regular basis during implementation, and the practical toolkit developed under the project will serve as a model to assist the Georgian Government and create support mechanisms for the successful reintegration of returnees.

E. Further Information

Available at:
http://www.icmpd.org/692.html?&no_cache=1&tx_icmpd_pi1[article]=1387&tx_icmpd_pi1[page]=1389.

TRIPARTITE AGREEMENT ON THE RETURN OF UNSUCCESSFUL ASYLUM-SEEKERS FROM SWITZERLAND TO SRI LANKA 1994 – 1996

A. Background and Rationale

Based on a bilateral agreement signed between the Governments of Switzerland and Sri Lanka, a tripartite agreement was concluded in February 1994 with UNHCR for the return of unsuccessful asylum-seekers from Switzerland to Sri Lanka during the period 1994–1996.

B. Actors

- Government of Sri Lanka;
- Government of Switzerland; and
- UNHCR.

C. Actions

The tripartite agreement included the following elements:

- reiteration of the principle of safety and dignity in return;
- financial assistance provided by the Swiss Government to returnees;
- issuance of valid travel documents to all returnees prior to departure as well as necessary residence documents upon return;
- implementation of a phased return process;
- assurance that returnees would not be forced to return to areas with mines;

- possibility for returnees to reside in temporary holding centres in Sri Lanka, administered by the Sri Lankan Red Cross; and
- UNHCR as a liaison between the returnees and the two governments, responsible for addressing problems encountered by returnees upon request and, to this end, also for facilitating agreement between the two governments to share information and cooperate with UNHCR.

D. Review

The tripartite agreement facilitated the systematic and orderly return of a manageable number of individuals, rather than sudden and large-scale returns. Swiss NGOs acknowledged the benefits of UNHCR involvement in the overall protection framework, particularly with regard to deportation practices. In Sri Lanka, the tripartite agreement facilitated the favourable treatment of returnees in that it guaranteed the retention, or acquisition, of necessary personal documents and it obviated earlier concerns about prolonged detention on arrival. Ad hoc monitoring by UNHCR contributed to improving reintegration prospects and the psychological well-being of the returnees. However, the monitoring mechanisms were criticized for not being sufficiently effective. Only a limited number of Sri Lankan nationals were returned on the basis of the agreement and there were a few cases of involuntary returns.

E. Further Information

Annex 6 – Agreement between Switzerland and Sri Lanka on the return of Sri Lankan nationals who have been rejected under the procedures relating to the grant of asylum in Switzerland, 1994

Information on Readmission Agreements

Information on readmission agreements is available on the database of the Return Migration to the Maghreb (MIREM) Project of the European University Institute. The database provides an inventory of bilateral agreements concluded by each of the 27 Member States of the EU over the last decade.

For further details, see:
http://www.mirem.eu/datasets/agreements/.

See also Council of Europe, Parliamentary Assembly, Readmission Agreements: a Mechanism for Returning Irregular Migrants, 2010, available at:
http://www.unhcr.org/refworld/docid/4bdadc1c3.html.

9.1.3.4. Counselling on return options

Counselling on return is needed at different stages: upon arrival in the host country, during immigration procedures or the asylum procedure, and after a return or removal order has been issued. This requires enhanced cooperation between asylum authorities, civil society actors and key agencies that specialize in return procedures.

SWITZERLAND:
RETURN COUNSELLING AND ASSISTANCE FOR UNSUCCESSFUL ASYLUM-SEEKERS
1996 – PRESENT

A. Background and Rationale

The Swiss Federal Office for Migration and Refugees initiated a comprehensive programme to facilitate the voluntary return of unsuccessful asylum-seekers and to provide them with reintegration assistance.

The programme aims to:

- ensure better migration management at the international level;
- promote orderly, voluntary and cost-effective returns and reduce the need for forced returns at the federal level; and
- encourage countries of origin to readmit their nationals and to improve conditions for sustainable reintegration.

An essential element of the programme is the provision of return counselling and assistance at the federal and local canton levels.

B. Actors

- International organizations, most notably IOM;
- local NGOs;
- Swiss Cantons;
- the Swiss Federal Office for Migration and Refugees (BAMF) and other federal bodies in Switzerland; and
- the Swiss REPAT-IOM Movement (SIM).

C. Actions

- The BAMF implements government-run return counselling and assistance for voluntary returns from Switzerland.
- The SIM provides transport services, medical escorts and reception in the country of origin.
- The IOM Office in Bern is tasked with setting up return counselling offices in the Swiss Cantons to provide comprehensive information on return and available assistance to rejected asylum-seekers who may wish to voluntarily return to their countries of origin.
- The Return Information Fund (RIF), established by IOM in 2002, provides the BAMF and return counsellors in the Swiss Cantons and in asylum reception centres with adequate and timely return information to support voluntary return and reintegration based on socio-economic circumstances in selected countries of origin.

- Local NGOs (e.g. the Swiss Red Cross) have implemented pilot projects to encourage more Swiss Cantons to open their return counselling and assistance mechanisms to persons in irregular situations and to monitor the return of rejected asylum-seekers and migrants, regardless of their status.

D. Review

Counselling has become an important component of the comprehensive return and reintegration assistance programme in Switzerland. Counsellors in Swiss Cantons and asylum reception centres are confronted with an increased number of complex cases concerning persons with specific needs. They also require detailed information on the situation in the country of origin. IOM-Bern collects accurate and up-to-date return information through a network of IOM field offices and their local partners in countries of origin. This information is made available to counsellors to inform potential returnees of return options and reintegration opportunities. Since the establishment of the RIF Project, around 2,800 individual queries concerning 70 countries of origin have been answered. The RIF Project enables the BAMF to better prepare, organize and support returns and to use counsellors to transfer information to potential returnees. In some cases, a reintegration stipend is provided to returnees based on the information collected through the RIF Project.

E. Further Information

Available (in German) at: http://www.ch.iom.int/programme/rif.html.

9.1.4. Reintegration assistance

Reintegration assistance that is tailored to the individual's profile and the country situation, including social and economic circumstances, contributes to the sustainability of return. Reintegration assistance can include vocational training, skills training, education grants, assistance with small-business schemes and loans for business/micro-enterprise development. Vocational training programmes and grants for business/micro-enterprise development in the country of origin have been generally more successful than lump-sum payments. Good results have been achieved where assistance is offered to both the individual and the community to which s/he is returning.

GERMANY, SWEDEN, AND THE NETHERLANDS: TOWARDS AN INTEGRATED RETURN: CASE-CHAIN MANAGEMENT 2006 – PRESENT

A. Background and Rationale

The project, entitled "Towards an Integrated Return: Case-Chain Management", aims to promote the sustainability of both the voluntary and the mandatory return of persons to their respective home countries. It seeks to enhance cooperation between Germany, Sweden and the Netherlands and to establish networks of institutions to assist in the return process. A training component ensures that case managers have the necessary skills and expertise to assist returnees in the development of reintegration plans.

B. Actors

Institutions in host countries in Germany, Sweden, and the Netherlands:

- Arbeitsgruppe Entwicklung und Fachkräfte im Bereich der Migration und Entwicklungszusammenarbeit, Germany (AGEF);
- Centraal Orgaan opvang asielzoekers, the Netherlands (COA);
- Municipality of Munich, Amt für Wohnen und Migration, Germany (Coming Home);
- Goeteborg Initiativet, Sweden; and
- HIT Foundation, the Netherlands.

Partner institutions in selected countries of return (namely Afghanistan, Iraq, Kosovo).

C. Actions

- Returnees receive counselling regarding their options in the home country, including economic and social possibilities.
- Counsellors in Germany, Sweden and the Netherlands share individual case details with counsellors in home countries through an internet-supported database.
- Upon return to the home country, returnees are provided with employment services, on-the-job training, and employment-promotion packages.
- After their business plans are approved, returnees receive financial support for a specific period of time.
- A training project ensures that counsellors from participating institutions 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 persons 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 reintegration. However, it could benefit from greater consideration of the social and psychological aspects of the reintegration process, such as discrimination against returnees by receiving communities.

E. Further Information

Available at: www.ccm-training.net.

9.1.5. Return of persons with specific needs who are not refugees

Persons with specific needs may require targeted assistance during return and reintegration. In some cases, the availability of such arrangements may determine whether or not the individual can be asked to return to his/her country of origin. With regard to the return of unaccompanied/separated children, for example, the appointment of a guardian in the host country, consultations with a guardian or a legal representative in the country of origin, as well as family reunification or placement in foster care in the country of origin need to be arranged prior to return. Trafficked persons found not to be in need of international protection may continue to require medical and psychological attention and specific reintegration support to ensure that they are not re-trafficked. Where stateless persons are allowed to return to their countries of habitual residence, reintegration assistance may be required along with awareness raising about the specific protection needs of stateless persons.

WEST AFRICA: PROGRAMME FOR THE PROTECTION AND REINSERTION OF UNACCOMPANIED AND SEPARATED CHILDREN 2005 – 2011

A. Background and Rationale

In 2005, the Swiss Foundation of the International Social Services launched a programme in West Africa (PAO-Programme Afrique de l'Ouest) in cooperation with IOM to enhance the protection, return and reintegration of unaccompanied and separated children (UASC). The long-term goal of this programme is the establishment of a regional network of protection for UASC in West Africa with harmonized, common procedures and methodology of intervention.

B. Actors

- Swiss Foundation of the International Social Services (ISS);
- International Institute for the Rights of the Child;
- NGOs working for child protection in participating countries;
- ministries in charge of child protection in the participating countries;
- international agencies (namely ILO, IOM, UNHCR, UNICEF);
- independent experts and local partners;
- a network of child-friendly journalists in Africa and Switzerland;
- Reseau d'Actopm Fode et Yaguine RAFY;
- participating countries (as at August 2010) (namely Benin, Burkina Faso, Gambia, Ghana, Guinea-Bissau, Guinea-Conakry, Côte d'Ivoire, Mali, Niger, Senegal and Togo); and
- countries still to join [namely Nigeria (end 2010), Benin (2011), Ghana (2011), Togo (2011)].

C. Actions

- Develop a transnational network for child protection that includes government authorities, NGOs and international organizations;
- promote the conclusion of bilateral agreements to combat child trafficking from West Africa and to facilitate cooperation and information exchange;
- identify focal points in each country to act as case managers, and mobilize national networks to work closely with the transnational social network;
- create and reinforce the use of shelters and orientation centres in countries of origin, and build the capacities of local partners;
- participate in the identification of children wishing to return to their home countries and facilitate voluntary returns;
- conduct "best interests" determinations and facilitate the participation of the UASC in reintegration plans in line with their age and maturity;
- assess the family situation of each UASC, plan long-term outcomes, and appoint a legal guardian and reference person prior to return; and
- develop social and professional projects to reintegrate 2,000 UASC (including child victims of trafficking), and follow up on reintegration activities.

D. Review

This programme adopts an innovative transnational and collaborative approach to support UASC in West Africa. It involves the active, multi-level involvement of various actors at national and transnational levels and builds synergies between participating countries in order to create sustainable outcomes for children on the move. The programme has contributed to the reduction of the number of UASC from West Africa in Europe. More than 1,100 children have been reintegrated into their communities through the reinforcement of existing structures and with the assistance of local partners. As a result, communities are more aware of the hazards faced by children during clandestine migration, including the high risk of exploitation by traffickers and smugglers.

E. Further Information

Available at: www.ssiss.ch.

INDIA: REHABILITATION AND SOCIAL REINTEGRATION OF TRAFFICKED PERSONS – NGO-CORPORATE SECTOR PARTNERSHIP MODEL 2005 – PRESENT

A. Background and Rationale

This project was designed to complement the efforts of the Government and civil society to fill existing gaps in the rehabilitation process for trafficked persons in India. The project is based on the principle of social responsibility and aims to develop a system which involves multiple stakeholders, including local NGOs, the private sector, training institutions, and government bodies, to increase sustainable economic opportunities for trafficked persons.

B. Actors

- Department of Women Development and Child Welfare, Government of Andhra Pradesh;
- Gujarat Co-operative Milk Marketing Federation (GCMMF), AMUL, a dairy cooperative in India;
- Prajwala "Eternal Flame of Hope"; and
- victims of trafficking.

C. Actions

- IOM and Prajwala jointly identify trafficked persons who are willing to participate as beneficiaries in the project.
- Prajwala has developed a comprehensive training module for victims of trafficking, based on their specific needs and aptitudes.
- AMUL has extended franchise options to set up 50 dedicated AMUL Pizza Parlours across India for trafficked persons and offers technical and logistics support, marketing training, as well as start-up machinery at a minimal cost.
- Prajwala provides shelter and counselling to trafficked persons and engages in advocacy and networking to find suitable locations to set up AMUL Pizza Parlours for the beneficiaries of the project.

- The Department of Women Development and Child Welfare of the Government of Andhra have provided two locations at a low cost for the establishment of two AMUL Pizza Parlours, and IOM has provided the initial capital to set up the parlours.
- IOM has supported the evolving capacity-building training module on life skills and entrepreneurial skills for managers of the parlours, and identified beneficiaries were sent to Ahmedabad for a 15-day, on-the-job training programme in existing AMUL Pizza Parlours in Gujarat.

D. Review

The project helped develop the social and economic skills of trafficked persons and helped them adjust to mainstream work culture. As a result of advocacy and networking under the project, other private sector actors in India have contributed to livelihood initiatives for trafficked persons to assist with their reintegration back into society. The NGO-corporate sector partnership is seen as model for involving the private sector to help with the rehabilitation and reintegration of trafficked persons.

One of the AMUL Pizza Parlours has been running successfully for the past five years. It is self-sustaining and provides livelihood to eight women and partially supports a children's home run by Prajwala. The other AMUL Pizza Parlour had to close down due to community concerns based on negative perceptions of trafficked persons.

E. Further Information

Annex 7 – Centre for Child Rights (HAQ), *Compendium of Best Practices on Anti-Trafficking by Non-Governmental Organizations*, UNODC, Government of India, 2008

Vietnam: Reintegration Network to Strengthen the Return and Reintegration of Women and Children Victims of Trafficking 2007 – Present

The Reintegration Network is a voluntary alliance comprised of local and international organizations. Its objective is to strengthen the return and reintegration of women and children who have been victims of trafficking in Vietnam and to improve the coordination of referrals and reintegration assistance provided to returnees. The inter-agency communication channels have enhanced the exchange of information related to services and assistance provided to returned trafficked persons, and training of government officials has raised awareness about their needs. Government agencies have been actively involved in the dissemination of reintegration information and in the development of practical guidance tools to help trafficked persons rebuild their lives and reintegrate into their communities in Vietnam.

Annex 8 – Vietnamese Ministry of Labor, Invalid and Social Affairs, Department of Social Evil Prevention, *Policies and Regulations on Social Assistance Services for Returned Women and Children-Victims of Human Trafficking*, 2008

Guidelines in Central America on Return of Children

Guidelines in Central America on return of children have been adopted at both regional and national levels in some Central America countries to ensure that the specific needs of trafficked children are taken into account prior to and during the return process:

- *Regional Guidelines for Special Protection in Cases of the Repatriation of Child Victims of Trafficking, Assistance to Unaccompanied Children in Cases of Repatriation of Child Victims of Trafficking*, Regional Conference on Migration, Central America, 2007;
- *National Protocol on the Repatriation of Child and Adolescent Victims of Human Trafficking*, Costa Rica, 2007; and
- *Regional Guidelines for the Assistance to Unaccompanied Children in Cases of Repatriation*, Regional Conference on Migration, Guatemala City, 2009.

Further information available at: http://www.unhcr.org/4bfbe2ad9.html

For further details on child protection systems, see Chapter 6.

IOM Handbook on Organizing the Return and Reintegration of Vulnerable Persons

The IOM Handbook on Organizing the Return and Reintegration of Vulnerable Persons was prepared by IOM-Bern in 2007 upon request from the Swiss Federal Office for Migration for Swiss social workers, return counsellors and other actors dealing with return assistance. In particular, it addresses some practical issues relating to the return and reintegration of persons with specific needs, such as elderly persons, persons with medical needs, trafficked persons and unaccompanied minors.

Further information available at: http://www.ch.iom.int/fr/publikationen.html.

9.1.6. Post-return monitoring

Independent monitoring during the post-return phase ensures that returnees are not subject to protection risks upon return to their countries of origin and that they can access reintegration services. Protection concerns can relate to the security and/or reintegration prospects of returnees, particularly where the overall situation in the country or the circumstances for specific individuals and groups (e.g. ethnic minorities, unaccompanied and/or separated children, and trafficked persons) remains fragile. Monitoring activities build confidence among returnees and encourage voluntary return. They can also help identify and address shortcomings in the return process.

BELARUS, MOLDOVA, RUSSIAN FEDERATION AND UKRAINE: MONITORING SAFE AND DIGNIFIED RETURNS AND CONDITIONS OF DETENTION 2009 – 2010

A. Background and Rationale

The programme on monitoring safe and dignified returns and conditions of detention in Belarus, Moldova, the Russian Federation and Ukraine provides capacity building to NGOs to enable them to carry out the independent monitoring of border facilities and return cases and to provide legal counselling to assist those migrants with specific needs and to prevent *refoulement*. It also aims to build the capacity of NGOs to provide training to local authorities involved in border management and refugee issues.

B. Actors

- IOM;
- Belarusian Movement for Medical Workers;
- Centre for Human Rights "Memorial", Migrant Rights Network in Russia;
- European Council on Refugees and Exiles (ECRE);
- Equilibre-Solidarity, Russia;
- Foundation on Naturalization and Human Rights "Assistance", Ukraine;
- Helsinki Committee of Human Rights, Moldova;
- Human Rights Have No Borders in Ukraine;
- Law Centre of Advocates, Moldova;
- NEEKA International Foundation for Health and Environment Protection "Region Karpat", Ukraine; and
- The Donetsk Fund for Social Protection and Mercy, Ukraine.

C. Actions

- Increase the capacity of partner NGOs to monitor situations at borders, interview persons who have been returned under readmission agreements or through voluntary, forced, or mandatory return, and provide individual legal counselling to prevent *refoulement*;
- provide technical support to, and train, border guards, and also promote cooperation between NGOs and local authorities;
- implement a pilot project to monitor returns from Chechnya at the international airport in Russia, as well as administrative deportations from Russia to former Soviet countries, Uzbekistan, China and Korea, and lobby for NGO access to airport transit zones;
- facilitate exchanges of good practices between NGOs along EU external borders, and engage with ECRE members experienced in border monitoring, airport monitoring projects and legal counselling in detention centres;
- facilitate the reporting of emergency cases, especially those involving "chain deportations" without protection safeguards;
- produce reports on return practices in the region to inform ECRE's advocacy work;

- conduct a regional conference on return to the Western New Independent States (NIS), asylum procedures at borders and relevant international instruments, and present the results of the NGO monitoring activities to stakeholders;
- develop a training course on refugee issues in Ukraine, the Russian Federation and Moldova; and
- conduct joint study trips to the EU for NGOs, journalists and government officials to learn about the treatment of nationals of Belarus, Moldova, the Russian Federation and Ukraine.

D. Review

Through the active involvement of NGOs in Belarus, Moldova, the Russian Federation and Ukraine, the project seeks to monitor return practices at borders and detention centres and to build the capacity of border authorities and civil society actors to facilitate safe and dignified returns. The cooperation between NGOs and government authorities promotes a "bottom-up" approach to inform migration and border policies. The project is still in the implementation phase, and it is too early to assess the impact of the monitoring activities.

KOSOVO AIRPORT: MONITORING FORCED RETURNS 1999 – PRESENT

A. Background and Rationale

With assistance from a partner agency, UNHCR has been monitoring forced returns from the Pristina International Airport since 1999. The monitoring project aims to gather data, monitor trends and identify potential protection gaps in relation to forced returns carried out under readmission agreements.

In 2006, UNHCR handed its monitoring role over entirely to its implementing partner, the Advocacy Training and Resource Center (ATRC) Airport Monitoring Team, which is based at the Pristina International Airport. The ATRC Airport Monitoring Team maintains close cooperation with all relevant actors at the airport, particularly with UNHCR, to ensure prompt interventions, as needed.

B. Actors

- ATRC Airport Monitoring Team; and
- UNHCR.

C. Actions

The activities of the ATRC Airport Monitoring Team include the following:

- Record and document the arrival of forced returns;
- monitor the arrival of returnees, and identify individuals of concern to UNHCR (e.g. persons with specific needs and members of ethnic minorities);
- monitor asylum-seekers arriving at the Pristina International Airport, and immediately notify UNHCR to ensure access to asylum procedures;
- respond to persons with specific needs by referring them to the appropriate international and local authorities;

- conduct interviews based on UNHCR's interview format and report to UNHCR on individual interviews and return statistics; and
- collect and provide data relating to ethnicity, place of origin, place of return (if different from place of origin), family composition and other relevant information necessary for UNHCR Field Offices to monitor the reintegration of returnees.

The activities of UNHCR include the following:

- Collate relevant data into a consolidated database for the purpose of analysing protection concerns as well as any trends and patterns;
- undertake routine protection monitoring through sample surveys, including participatory assessments of Age, Gender and Diversity Mainstreaming (AGDM) based on criteria related to security (e.g. acts of harassment, threats, physical assault), freedom of movement, access to public services (e.g. health, housing, education, utilities, issuance of documentation by administrative bodies), property restitution, further displacement in Kosovo or departure from Kosovo following return; and
- carry out protection and reintegration monitoring exercises.

D. Review

A permanent presence at the point of arrival coupled with close coordination with border officials enable the ATRC to effectively monitor the situation and to notify UNHCR immediately about any issues that arise as well as any protection risks. However, the Pristina International Airport is not the only site of forced returns. Consequently, monitoring is also needed at other border-crossing/entry points.

UNHCR and ATRC have established an information exchange network through cooperation with other actors, including IOM and the NGO community, facilitating cooperation among key partners.

E. Further Information

Annex 9 – ATRC and UNHCR, Forced Returns Interview Form, Minority Forced Returns from Third Countries (Serbs, Albanians in a minority situation, Romas, Ashkalis and Egyptians), 2010
See also Danish Refugee Council, *Recommendations for the Return and Reintegration of Rejected Asylum-seekers; Lessons Learned from Returns to Kosovo*, May 2008, available at: http://www.unhcr.org/refworld/docid/484022172.html.

9.2. Migration options as an alternative to return

Some persons who do not have international protection needs may be able to regularize their stay in the host country through possibilities provided by the country's migration laws, or to take advantage of opportunities to legally migrate onward to a third country. While Chapter 6 provides examples of migration processes and procedures to address specific needs, this Chapter presents examples of additional possibilities to regularize stay provided by some States.

9.2.1. Regularization

Regularization has become an important mechanism to address the situation of non-nationals in irregular status in certain host countries.

Regularization can be an ongoing process or a one-time opportunity. It can be granted on the basis of an individual assessment (as shown in the examples in Section 9.2.1.1) or on a group basis (as shown in the examples in Section 9.2.1.2). Individualized procedures generally leave a fairly large margin for discretion to competent authorities. Their objective is to enable authorities to take individual circumstances sufficiently into account when deciding on whether a person should be entitled to stay in the country.

By contrast, the principal objective of collective regularization processes is to reduce the number of individuals in irregular status and the size of the informal sector of the economy. Collective regularization procedures are generally based on objective and well-defined eligibility criteria.

Regularization can be beneficial for both the individual as well as the host country. It may prevent the marginalization and exploitation of individuals in an irregular situation, particularly those who cannot be removed from the territory for practical or humanitarian reasons. In addition, the host country usually benefits economically from regularizing its irregular labour force, as regularized migrants pay taxes and social contributions.

9.2.1.1. Individual procedures

GERMANY: HARDSHIP COMMISSION
2004 – PRESENT

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" made such a recommendation. The Hardship Commissions review applications received from unsuccessful asylum-seekers who claim that special hardship prevents them from returning to their countries of origin. This provides government authorities with the possibility to review and, if necessary, correct the refusal to issue a residence permit. By the end of 2006, all 16 German States had established independent Hardship Commissions.

B. Actors

- Government authorities of Federal States in Germany; and
- Hardship Commissions, composed of representatives of the regional authorities, the churches, civil society organizations and NGOs.

C. Actions

- Requests for consideration of a case may be directed to any member of the responsible Hardship Commission. The request must be accompanied by all facts and documents (e.g. CVs, medical reports, and commitment from a potential employer) which support the claim for continued residence in Germany.
- The foreigner must convince the Commission that his/her departure from Germany would present 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 not be subject to an extradition order. Some Hardship Commissions exclude applicants whose hardship situation is self-inflicted, if the person recently entered the country, or if the applicant was deported, returned or extradited prior to his/her application. A request to a Hardship Commission can be made only once.

- On average, the Hardship Commissions gave positive decisions in 61 per cent of all admissible individual requests. However, there are significant differences in the decision practices among the individual Hardship Commissions.
- Protection against deportation during the hardship procedure varies amongst Federal States. The statutes of most 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 Government authorities' discretion whether or not to follow a recommendation of the Hardship Commission. In 86 per cent of all petitions received from the Hardship Commissions, Government 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 school were decisive factors. Serious health problems and the need for medical and/or psychological treatment are generally not considered sufficient.

D. Review

The establishment of the Hardship Commissions allowed the Government authorities to consider individual circumstances and to 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 up until December 2008, the Hardship Commissions registered more than 4,000 requests for consideration throughout Germany. The majority of the applicants originated 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 expired on 31 December 2010 and subsequent regulation has not been discussed.

E. Further Information

Section 23a Residence Act is available at:
http://www.iuscomp.org/gla/statutes/AufenthG.htm.

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, available at:
http://www.im.nrw.de/aus/25.htm.

An overview, "Die Hartefallkommissionen der Bundesländer", produced by Amnesty International and FachKommission Asyl, December 2008, is available at:
http://www.emhosting.de/kunden/fluechtlingsrat-nrw.de/system/upload/download_894.pdf.

9.2.1.2. Collective regularization programmes

THAILAND: TEMPORARY REGULARIZATION PROGRAMME 2003 – PRESENT

A. Background and Rationale

Thailand receives a continuing influx of irregular arrivals from neighbouring countries. The largest 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. Thailand also provides temporary regularization programmes for undocumented labour migrants.

B. Actors

- Government of Laos PDR;
- Government of Myanmar;
- Royal Government of Cambodia; and
- Royal Thai Government.

C. Actions

- In 2003, Thailand signed a MOU on "Employment Cooperation" with the above-mentioned three countries and agreed on the temporary regularization of workers from these countries who were illegally present in Thailand upon completion of their services in Thailand. The agreement also offered legal migration opportunities to persons wanting to migrate to Thailand.
- In 2004, Thailand conducted a nationwide migrant registration campaign and authorized individuals and their families from these countries to stay and work in Thailand for a fixed period of time. Fifteen per cent of the wages of the workers were withheld and used to finance their return to their countries of origin.

D. Review

The temporary regularization initiative has regularized the presence of workers without status in Thailand (although domestic workers are excluded from this Agreement), thereby giving them more protection in accordance with labour standards. Thailand registered 1.3 million irregular workers during 2003–2004. However, employers in Thailand were permitted to retain the travel documents of Cambodian workers and 15 per cent of the workers' wages were withheld. According to the Thai Department of Labour, as of 12 May 2010, 932,255 undocumented persons had received proper travel and work documents, including 812,984 from Myanmar, 62,792 from Laos and 56,479 from Cambodia. The Government of Thailand is working to register an estimated two million persons.

E. Further Information

Available at: www.osce.org/item/14679.html.

Annex 10 – Thailand: Intergovernmental Cooperation on Temporary Migrants, Information note for the 13th Economic Forum, Prague 23 – 27 May 2005

Examples of Large-scale Regularization Programmes

In Argentina, a national migration law was adopted to grant residence status to irregular migrants. The National Programme for the Regularization of Migrants "Patria Grande" was subsequently launched as part of a comprehensive approach to address irregular migration and to facilitate the integration of migrants into society. In its first phase in 2005, residence status was granted to migrants who were not citizens of the Common Market of the South (MERCOSUR) and, in 2006, it facilitated the regularization of migrants from MERCOSUR and associated countries (which accounts for 90 per cent of all migrants in Argentina). Since the programme was launched, 800,000 migrants have regularized their status, thereby facilitating their social integration into Argentinean society. As a result, the number of undocumented migrants in the labour market has declined significantly and the unemployment rate has decreased to eight per cent.

In Brazil, the Government signed a mutual regularization agreement with Bolivia in 2008. In addition, the general amnesty on migration status initiated in 2009 granted resident permits to 27,000 Bolivians, the largest single group that applied for amnesty in Brazil. This initiative has had a strong impact on curbing forced labour due to irregular migratory status.

In Ecuador, the Government seeks to create legal options through the regularization process for third-country nationals present in Ecuador. A decree has been issued to enable the regularization of undocumented Peruvians in the southern part of the country.

In Mexico, the implementation of large regularization programmes resulted in the regularization of 15,000 undocumented migrants during the period 2002-2006. Most of these migrants are from Central America.

In Venezuela, the "Mission Identidad" (Identity Mission), implemented between 1998 and 2006, provided documentation to approximately 415,000 migrants who were not in possession of identity documents but who had been living in the country for many years.

USA and countries in Europe: The USA and a number of countries in Europe implement the largest regularization programmes. The regularization programmes carried out in the EU has provided nearly four million undocumented migrants with temporary or permanent residence and/or work permits.

For further information on regularization programmes, see: International Organization for Migration, *World Migration Report: Managing Labour Mobility in the Evolving Global Economy*, 2008, available at: http://www.iom.int.

See also the report of the Council of Europe's Parliamentary Assembly "Regularization Programmes for Irregular Migrants", available at: http://assembly.coe.int/Mainf.asp?link=/Documents/WorkingDocs/Doc07/EDOC11350.htm.

9.2.2. Legal migration alternatives

States have established various channels for legal migration in order to fulfill different purposes, such as meeting labour market needs, enabling family reunification, or pursuing study. The range of available options differs between countries. While some migration schemes are strictly temporary, requiring the individual to leave when his/her stay permit expires, others provide possibilities for permanent settlement upon arrival or after a certain period of stay. States may also give preferential access to admission, stay and residence to nationals of certain States based on bilateral agreements or cultural ties.

Access to most legal migration channels is generally not possible for persons in an irregular situation in the host country. Rather, migration channels tend to become available following return to countries of origin rather than as an alternative to return.

ILO Multilateral Framework on Labour Migration

The ILO Multilateral Framework on Labour Migration provides a comprehensive policy framework for governments, employers, worker organizations, and all those involved in the implementation and evaluation of national, regional and international labour migration policies and practices. It is a practical and user-friendly tool that contains non-binding principles, guidelines and a series of best practices on the implementation of a rights-based approach to labour migration.

Annex 11 – ILO, *ILO Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a rights-based approach to labour migration*, 2006

Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements

The Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements, Global Forum on Migration and Development (GFMD), 2008 provides examples of labour migration agreements and good practices.

Annex 12 – GFMD, *Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements*, 2008

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Information strategy

CHAPTER 10

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Introduction

Information strategies related to mixed movements can target two goals: to help to prevent irregular movements by ensuring that people are sufficiently informed about the potential risks; and to sensitize host communities to mixed movements, and aim to reduce xenophobia, promote tolerance and raise awareness about the protection needs of some of the people involved.

Information campaigns to reduce irregular movements in countries of origin can help fill gaps in knowledge about realities in the desired country of destination and the dangers of irregular movements, such as the risks of trafficking, abuse and exploitation. Information alone will not prevent irregular movements if the push factors are sufficiently serious, as individuals will embark on irregular travel regardless of the risks involved. Access to information, however, may enable individuals to make informed decisions, where they have a choice.

Information available 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 are most effective when they target the entire community rather than only potential migrants, since decisions to leave a home country are generally based on, and supported by, a family or community.

The content of information campaigns depends on the specific situation. It is important that messages be phrased in a way that does not inadvertently discourage persons fleeing conflict and persecution from seeking asylum abroad. Raising awareness about legal migration opportunities, where they exist, can increase the effectiveness of information campaigns.

Information strategies targeted towards the sensitization of host communities may include projects to better inform communities about the root causes of mixed movements and the human suffering involved. Knowledge and a better understanding of the profiles and needs of persons involved in such movements can promote tolerance and reduce xenophobia. Inviting politicians and high-profile individuals to be active in campaigns that discourage hate speech and foster constructive debate on migration and mixed movements can be an effective strategy.

Public information activities can also raise awareness about the refugee component of mixed 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 create understanding and support within host communities.

Human trafficking is one area where the development of a range of information strategies targeted towards both goals mentioned above – prevention and sensitization of host communities – has been particularly prominent. Several countries of origin have devised information strategies to help prevent trafficking in persons, while destination States have programmes to sensitize local communities and to ensure that victims of trafficking know where to seek help. A small selection of examples is provided in this Chapter (10.3).

The media through which information is most effectively conveyed depends on the profile and size 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 persons, but they offer a more in-depth opportunity to discuss, exchange ideas and persuade individuals to change their minds.

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 complex matters 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 establish trust, reach the target audience, and raise difficult and sometimes contentious issues.

Operationalizing information strategies: Suggestions for stakeholders and support UNHCR can provide to partners

Suggestions for stakeholders

- Disseminate information, education and communication (IEC) materials to inform individuals of the risks of irregular movements, including human trafficking and smuggling.
- Use simple targeted messages that are age, gender and culture sensitive and translated into appropriate languages to reach a wide audience.
- Encourage the involvement of persons who have experienced hazardous journeys to help influence individual choices and shift attitudes of host communities.
- Include contact details for support services in information leaflets, as well as the rights and obligations of persons on the move and available international protection and legal migration options.
- Initiate awareness-raising activities on the plight of refugees and the protection needs of persons travelling within mixed movements.
- Involve law enforcement, government officials, politicians and local communities in information strategies, and encourage open debate to identify outcomes for persons travelling within mixed movements.
- Cooperate with relevant actors on developing information campaigns in countries of origin, transit and destination.

Support UNHCR can provide to partners

- Design and implement information strategies targeting persons of concern who may form part of mixed movements.
- Distribute information to persons of concern in refugee camps and urban settings on their rights and obligations and available options to ensure safe movements.
- Initiate public awareness campaigns in host communities in order to promote tolerance and combat racism and xenophobia.

10.1. Information campaigns to reduce irregular movements

Information campaigns implemented in countries of origin to reduce irregular movements can help fill gaps in knowledge about realities in the desired country of destination and the dangers of irregular movements, such as the risks of trafficking, abuse and exploitation. Information alone will not prevent irregular movements if the push factors are sufficiently serious, as persons will embark on irregular travel regardless of the risks involved. However, access to information may enable persons to make informed decisions, where they have a choice. Information campaigns are most effective when they target the entire community rather than only potential migrants, since decisions to leave a home country are generally based on, and supported by, a family or community.

GULF OF ADEN: UNHCR-IOM ADVOCACY CAMPAIGNS ON THE DANGERS OF IRREGULAR MOVEMENTS 2009 – PRESENT

A. Background and Rationale

IOM and UNHCR have initiated a series of advocacy campaigns in different countries around the Gulf of Aden to alert refugees and migrants of the dangers of transiting through Somalia and across the Gulf of Aden to Yemen and further onwards.

B. Actors

- IOM;
- UNHCR; and
- partners, including the Mixed Migration Task Force (MMTF) and local NGOs.

C. Actions

UNHCR information campaign in Somalia and Ethiopia

- The information campaign was carried out in Puntland, South Central Somalia and Ethiopia. It focused on three essential components:
  - the extreme dangers of crossing the Gulf of Aden;
  - the right to seek asylum in Puntland and available UNHCR support; and
  - treating migrants with dignity.
- 10,000 information leaflets have been distributed in Puntland through local NGOs, and 5,000 have been distributed in South Central Somalia.
- Radio spots, interviews and a theatre show were broadcasted on Radio Daljir in Puntland.
- Refugees participated in UNHCR's awareness campaign and drew cartoons to illustrate the dangers of irregular movements across the Gulf of Aden.

IOM radio campaign

- In September 2009, IOM launched a radio campaign on the British Broadcasting Corporation World Service Trust (BBC WST), in partnership with UNHCR, which targeted migrants and asylum-seekers as well as host communities in Djibouti, Ethiopia, Kenya, Somalia and Yemen.

- The programme covers three themes:
  - "Things you need to know before migrating" – aimed at refugees and migrants;
  - "What persons are escaping from?"; and
  - "Let's discard prejudices towards refugees and migrants" – aimed at host communities.
- The programme features Somali refugees, migrants and asylum-seekers in Kenya, Ethiopia and Yemen discussing the opportunities and challenges of life in exile, as well as IDPs in Somalia discussing the same issues as persons displaced within their own country.

D. Review

The advocacy campaigns implemented in partnership between UNHCR and IOM have raised awareness about mixed movements in the Gulf of Aden region and prompted dialogue among communities. The advocacy campaigns also include efforts to lobby national and regional authorities, traditional leaders and other stakeholders for increased engagement in mixed movement issues.

Although it is difficult to measure the full impact of the advocacy campaigns, the two agencies together with other members of the MMTF-Somalia intend to continue their efforts to raise awareness of the humanitarian needs of persons crossing the Gulf of Aden, to sensitize host communities on the plight of migrants and asylum-seekers, and to lobby for alternative migration options.

E. Further Information

Annex 1 – UNHCR, Mixed Migration Flow: Pictures and Testimonies from Bossaso, 2008

Annex 2 – IOM, Final Report of IOM to UNHCR: Raising awareness to combat trafficking and smuggling through Bossaso, 2009

Egypt: "Challenge Yourself, Do Not Defy the Sea", Campaign for Children 2009 – Present

Implemented by IOM, the "Challenge yourself, do not defy the sea" campaign was launched in November 2009 by the Governments of Egypt and Italy to address the increasing number of unaccompanied Egyptian children arriving in Italy. The campaign raises awareness about the risks associated with irregular migration and promotes safe alternatives.

It warns children and their families of the risks of travelling irregularly and informs them of regular migration channels that are available. The campaign is complemented by a project which provides technical education and language training to potential migrants to meet labour demands in Italy. The campaign recognizes the right to emigrate and the right to be protected from exploitation, as well as the right to access education.

SENEGAL: WOMEN'S ASSOCIATION AGAINST IRREGULAR MIGRATION 2006 – PRESENT

A. Background and Rationale

In 2006, in Thiaroye-sur-Mer, a village on the outskirts of Dakar, the mothers of young migrants who had perished at sea trying to reach the Canary Islands, converted an already existing local NGO, the *Collectif pour le Développement Intégré de Thiaroye-sur-Mer*, into the *Association des femmes pour la lutte contre l'émigration clandestine au Sénégal* or the Women's Association against Irregular Migration in Senegal ("the Association") with the aim of sensitizing youth on the dangers of irregular migration from Senegal to Europe. The Association further expanded its activities to 34 locations in Senegal.

B. Actors

- The Association.

C. Actions

- The Association conducts regular awareness-raising and information campaigns on the dangers of irregular migration through sensitization workshops and TV shows, as well as other media initiatives.
- The Association also offers income-generating and micro-finance projects for the families of victims who perished at sea and for potential migrants. As a priority, the Association assists local villagers to diversify their activities.

D. Review

The Association mobilized mothers who have suffered a loss to speak about the dangers of irregular 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 a key component of the campaign against irregular migration to Europe.

In addition, the income-generating and micro-finance projects have allowed some young potential migrants to stay in Senegal or to gather the financial means to travel through legal channels. 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 further develop its activities.

E. Further Information

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Charrière, F. and Frésia, M., *West Africa as a Migration and a Protection area*, UNHCR, 2008, available at:
http://www.unhcr.org/refworld/docid/4a277db82.html.

Senegal: Television Campaign on Mixed Migration Movements

The Television Campaign on Mixed Migration Movements was developed by the Spanish Immigration Department in response to the increasing mixed movements from Senegal and other African countries to the Canary Islands in Spain.

The advertisement was aired on local television in Senegal for six weeks in late 2007 and was supplemented by both radio and print messages. The advertisement included messages warning individuals about the dangers of irregular movement and provided information about living conditions in Europe. The campaign put a positive spin on warning individuals of the dangers of irregular movement by reminding them of their value in their home countries.

The campaign broadcast is available online at:
http://www.youtube.com/watch?v=5pPA0DljYKM.

Comic Book: *Des Clandestins à la Mer, les Aventures de Yado*

The comic book *Des clandestins à la mer, les aventures de Yado*, by Pie Tshibanda and Leon Tchibemba, supported by UNHCR, was devised in 2010 to raise awareness of the dangers of irregular movements from Africa to Europe and to demonstrate the realities of living in Europe. It aims to assist young persons to make informed decisions and take precautions to avoid irregular travel and possible abuse and exploitation by human traffickers.

The comic strip includes three storylines which draw attention to migrant and refugee situations and the necessary safety precautions that should be taken prior to travelling abroad. It demonstrates the risks and consequences of irregular migration in search of better opportunities as well as the poverty and hardship experienced in Europe following a long, hazardous journey across sea. It also highlights the benefits migration can have on the development of countries of origin after immigrants return to their home communities as well as the moral and cultural differences in Europe and Africa.

The comic book is available online at:
http://www.coccinellebd.be/Des-Clandestins-a-la-Mer,244.

10.2. Information and sensitization activities in host countries

Information strategies targeted at sensitizing host communities may include projects to better inform communities about the root causes of mixed movements and the human suffering involved. Knowledge and a better understanding of the profiles and needs of persons involved in such movements can promote tolerance and reduce xenophobia.

UN PLURAL + YOUTH VIDEO FESTIVAL 2010 – PRESENT

A. Background and Rationale

The UN Alliance of Civilizations, in partnership with international organizations, launched a youth video festival ("the festival") exploring themes related to migration, diversity and identity. The festival recognizes young persons as powerful agents of social change and aims to ensure their active participation to address key challenges related to migrant integration, inclusiveness, identity, diversity, human rights and social cohesion.

B. Actors

- Youth between the ages of 9 and 25 years old;
- organizations providing resources to sponsor youth productions;
- UN Alliance of Civilizations; and
- partner organizations, namely the Anna Lindh Foundation, Al Jaheed, Arabic TV Station, Audiovisual E-Platform, BaKaFORUM TV and Media Forum, Centre for Migration Studies of New York, CHINH, CineySalud, Copeam, Fondacio Forum Universal de Les Cultures (FFUC), IOM, Media Education Centre, NEXOSAlianza Association, No Ghetto, Paley Centre for Media, RedUNIAL, Roots and Routes International Association, Royal Film Commission in Jordan, Senza Frontiere-Without Borders Film Festival, Sunchild Environmental Festival, UN TV, UNESCO, UNICEF, and United States Association for International Migration (USAIM).

C. Actions

- An information campaign invites young persons between the ages of 9 and 25 years old to submit short videos expressing thoughts, experiences, opinions and suggestions on issues relating to migration, diversity and identity.
- Organizations are available to provide resources for training on how to produce videos.
- Winners were awarded a PLURAL + International Jury Award, which included 1,000 USD and an all expenses paid invitation to the 2010 PLURAL + Awards Ceremony which took place in November 2010.

D. Review

The festival promotes a climate of respect and tolerance among youth and encourages them to actively engage in challenging issues. The selection of youth videos seeks to raise awareness, based on the principles of harmony and diversity in order to prevent intolerance, and cultural and religious divisions.

E. Further Information

Available online at: www.unaoc.org/pluralplus.

UNHCR Sensitization and Information Initiatives

UNHCR Asylum and Migration is a discrete section of the UNHCR public website. It includes updated information on mixed movements in different regions and highlights the intersection between refugee protection and mixed movements.

For further information, see: http://www.unhcr.org/pages/4a1d406060.html.

UNHCR *Refugees Magazine: Refugee or Migrant? Why it matters*, 2007 was the last issue of the UNHCR Refugee Magazine. It was devoted to the topic of mixed movements and included a series of articles on different mixed movement situations around the world (Gulf of Aden, Southern Africa, Mediterranean and Caribbean). The magazine also drew attention to the difficulties that States had in distinguishing between refugees and migrants.

This issue is available online at: http://www.unhcr.org/refmag/148/index.html.

EU: EDUCATIONAL TOOLKIT "NOT JUST NUMBERS" ON ASYLUM AND MIGRATION IN THE EU 2009

A. Background and Rationale

The Educational Toolkit "Not Just Numbers" ("the Educational Toolkit") aims to enhance understanding among young persons about asylum-seekers, refugees and migrants in the EU and to promote a fair perception of these groups and their acceptance in European society. It provides young persons with a tool to analyse and develop informed views on asylum and migration.

B. Actors

- IOM; and
- UNHCR.

C. Actions

- UNHCR and IOM jointly developed and disseminated teaching materials, including a DVD, teacher's manual, short films and an evaluation form targeting 12 to 18 year-old youth.
- The DVD depicts the lives of different types of non-nationals, including asylum-seekers, resettled refugees, trafficked persons, labour migrants, and persons migrating for family reunification.
- The teachers' manual provides resources for teachers and other educators and is specifically designed to answer questions in classrooms and address common misperceptions among young people about migrants and refugees.

D. Review

The Educational Toolkit is a practical and user-friendly information resource tool that can be used both inside and outside the classroom. It provides exercises to engage the learner and information about the distinction between migrants and refugees and the different protection needs involved. The Educational Toolkit has been widely distributed. Approximately 2,000 pilot toolkits were produced in 20 different languages and have been distributed to all 27 EU Member States.

E. Further Information

Annex 3 – IOM and UNHCR, *Teacher's Manual: "Not Just Numbers" Educational Toolkit on Migration and Asylum*, 2009

Further information is available at:
http://www.unhcr.org/49cba1d02.html and
http://www.iom.int/jahia/Jahia/not-just-numbers-educational-toolkit/lang/en public websites.

Algeria: *La Nuit sur la Figure : Portraits de Migrants*

La nuit sur la figure : Portraits de migrants is a publication produced by the Italian NGO, CISP (*Comitato Internazionale per lo Sviluppo dei Popoli*) and UNHCR in Algiers in 2008. It provides a medium for migrants and refugees to inform the broader public about their travel experience, their lives in Algeria and their hopes and expectations. The publication presents photos and testimonies from 17 migrants and refugees in Algeria and has been widely distributed in Algeria and other countries in North Africa.

Further information is available in French at:
http://akcentuatethepositive.over-blog.com/article-18065579.html.

Costa Rica: Awareness-raising Initiatives

UNHCR street play "*Toda Tierra es Tu Tierra*" (All Land is Your Land)

The street play "*Toda Tierra es Tu Tierra*" (All Land is Your Land) is sponsored by UNHCR and developed in cooperation with ACAI NGO for Refugees, the Ministry of Culture and Youth, and teachers and students at "*Conservatorio Castella*," a State-run school. The play is a combination of dance, poetry, music and theatre and was presented in several locations in Costa Rica in 2007 and 2008. Its cast of 45 young people includes Costa Rican and Colombian refugees, migrants and adolescents. The play depicts their experience of having to flee their home countries to save their lives, as well as the xenophobia and discrimination encountered in the host country. The play was awarded by the Costa Rican Ministry of Culture for its value in supporting tolerance and diversity.

UNHCR Biannual Video Festival

The UNHCR Biannual Video Festival was launched to combat xenophobia and to counter the growing negative perceptions of refugees, especially among youth in San José, Costa Rica. The festival follows a study commissioned by UNHCR, which demonstrates that only 57 per cent of persons in San José understood the plight of refugees and that those between the ages of 18 and 35 years old were more likely to perceive refugees in a negative light. UNHCR also sponsored an initiative called "The Pressure Cooker" which brought young filmmakers together to produce a short documentary on refugee issues.

The documentary "Main Cover" is available at: http://www.acnur.org/t3/portugues/.

UNHCR Stories of Refugee

UNHCR Stories of Refugee are recorded as part of a UNHCR project in Costa Rica to inform children about the plight of refugees and to encourage them to support integration and fight xenophobia. According to a survey conducted in 2008, approximately 40 per cent of young refugees in Costa Rica testified that they are or have been victims of intolerance or insults from their classmates or teachers. The project targets Costa Rican students around the country, helping them to understand the suffering of their peers by collecting stories from young refugees about their experiences during forced movements due to violence or persecution. A series of radio stories from refugees and Costa Rican children is also available on the UNHCR public website.

See, for example, the story of Annye, a Columbian refugee, which is available at: http://www.unhcr.org/4b5eab5c9.html.

ITALY: ANTI-RACISM AWARENESS CAMPAIGN 2009 – 2010

A. Background and Rationale

A broad coalition of 26 actors from the Italian civil society launched an awareness campaign against racism and xenophobia ("the campaign") in March 2009, entitled "Don't be afraid, be open to others, be open to rights" (*"Non aver paura, apriti agli altri, apri ai diritti"*). The specific date chosen for launching and subsequently concluding the campaign was 21 March, in commemoration of the International Day for the Elimination of Racial Discrimination.

The campaign sought to challenge the linkages made between immigration and national and personal security that had become prevalent in Italy in recent years. The objectives of the campaign were to foster mutual understanding among communities, to tackle prejudices that have been fuelling racism, and to address the increasing number of documented incidents of racism and xenophobia around the country.

B. Actors

- Amnesty International;
- Italian NGOs;
- Italian trade unions;
- religious charities;
- Save the Children; and
- UNHCR.

C. Actions

- Individuals were invited to sign a petition based on principles from the Italian Constitution and the Universal Declaration of Human Rights. Individuals with political or public roles were asked to sign a specific set of commitments. Journalists were requested to respect the "Charter of Rome," and UNHCR promoted a Code of Conduct for the media regarding the portrayal of asylum-seekers, refugees, trafficked persons and migrants.

- Signatures were collected in support of a manifesto to raise awareness of the circumstances of, and challenges for, immigrants in Italy.
- The campaign produced a variety of tools, including a TV/radio spot starring several popular Italian TV and cinema actors, website links, posters, postcards, stickers and pins with the logo of the campaign, a smiling yellow ghost, designed by an 11-year-old Roma boy.

D. Review

The campaign brought together organizations and associations with different mandates and missions. More than 80,000 individuals signed the manifesto. The campaign was well-received by the Government and commended for contributing to tolerance of foreigners in the country. However, further measures to address the rise in violent xenophobic attacks against minorities in Italy are required.

E. Further Information

Annex 4 – Anti-racism awareness campaign 2009, Italy, Information leaflet on the press conference (Italian only), March 2009

Further information is available in Italian at: http://www.nonaverpaura.org/.

PAKISTAN: THEATRE FOR DEVELOPMENT PROGRAMME FOR AFGHAN REFUGEES 2008

A. Background and Rationale

In 2008, UNHCR in partnership with the Pakistani NGO "Struggle for Change" (SACH) ran a public awareness campaign using theatre to convey messages designed to sensitize Afghan refugees on their legal rights and obligations in Pakistan. A theatre production was developed to serve as a practical awareness-raising tool.

B. Actors

- SACH; and
- UNHCR.

C. Actions

- UNHCR and SACH worked together to organize dramatic performances focusing on issues such as securing proper identification documents upon arrival, police harassment, torture, and sexual and gender-based violence (SGBV) against women and children.
- UNHCR and SACH sent the Afghan drama team to villages where they gave performances to crowds of men and boys who gathered out of curiosity.
- The Theatre of Development Programme operates in a number of countries worldwide, offering similar sensitization programmes.
- The UNHCR 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 Theatre for Development Programme conveyed practical information that is crucial for maintaining legal status in Pakistan in a compelling and easily understood manner. While theatre is an innovative and effective medium for conveying messages to a targeted audience, it does not reach large numbers. The educational workshops, however, have raised further awareness of refugee protection.

E. Further Information

Annex 5 – Shahzad, A., *Reality-based drama helps Afghans understand refugee rights*, UNHCR, August 2008

Poland: Migrant Rights, Nigerian-Polish Initiative

The Migrant Rights: Nigerian-Polish Initiative ("the Initiative") was launched by the Human Support Services (HSS) and the Rule of Law Institute Foundation (RLI) in 2009. The Initiative was designed to enhance respect for the rights of Nigerian migrants in Poland, to build the capacity of lawyers, government officials and NGOs, and to strengthen the role of partnerships in advocacy activities.

The Initiative includes networking, disseminating and exchanging knowledge and information between Nigeria and Poland, monitoring and reporting on immigration legislation, and providing legal counselling to migrants prior to departure from Nigeria to prevent irregular movement and to facilitate local integration after arrival in Poland. The Initiative also seeks to raise awareness about exploitative labour practices and abuse of migrants with specific needs, particularly women and children, through partnerships between community-based organizations, private and public institutions.

Further information is available at: http.nigerianpolishinitiative.org.

South Africa: Responses to the 2008 Xenophobic Attacks

The ONE Movement Campaign

The ONE Movement Campaign was launched in March 2008 at the Apartheid Museum under the patronage of Bishop Desmond Tutu. It was developed in response to the increasing number of xenophobic attacks on refugees and migrants in South Africa. An interactive website outlines the rights and responsibilities of South Africans, Africans and citizens of the world with a view to reversing xenophobic attitudes and to promoting unity, diversity and tolerance in Southern Africa. The campaign focuses on the integration of migrants and refugees into society and respect for the human rights of all persons, with an emphasis on the right to equality.

The campaign is supported by METRO FM and has a number of celebrities and media personalities as goodwill ambassadors. The campaign also includes the capacity building of public services to uphold the recognized rights of migrants and refugees, as well as school curriculum interventions and human rights training. Social networking is encouraged on Facebook and YouTube, and the campaign website has a blog that facilitates information exchange.

Further information is available online at: http://www.1movement.co.za/.

Counter-xenophobic Initiative for South Africa: Tolerance, Integration, Diversity

The Counter-xenophobic Initiative for South Africa: Tolerance, Integration, Diversity is a programme developed by IOM in 2007 under the theme "Ubuntu Has No Borders". It aims to protect the human rights of all migrants, irrespective of their status in South Africa. IOM launched a campaign, in 2008, in partnership with Saatchi & Saatchi South Africa, METRO FM and the South African Broadcasting Corporation (SABC) to improve awareness of the rights and entitlements of migrants as provided in the South African Constitution and Immigration Act and also conducted trainings to ensure that law enforcement, immigration, health and social welfare officials were sufficiently aware of the rights of migrants. IOM also conducted diversity workshops in collaboration with Frayintermedia in South Africa and Zambia to sensitize the media to the rights of migrants, improve the quality of media reporting on diversity and migration, and increase awareness of the media's role in shaping public opinion about migrants. IOM conducted an independent research project that focused on investigating the triggers and factors that resulted in the xenophobic attitudes and violent attacks inflicted on migrants in 2008.

Annex 6 – Misago, J-P., Landau, L. B. and Monson, T., *Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa*, IOM, 2009

UKRAINE: DIVERSITY INITIATIVE 2007 – PRESENT

A. Background and Rationale

Responding to an increase in the number of suspected racially motivated attacks in Ukraine, Amnesty International, IOM, UNHCR and other concerned civil society organizations formed the Diversity Initiative, an inter-agency network, in April 2007 to better coordinate their activities in this area.

The Diversity Initiative pursues four main goals: to support government activities that encourage intercultural dialogue; to identify existing gaps in legislation and law enforcement; to recommend measures to strengthen the legal system's response to racially motivated hate crimes; and to bring attention to the existence of hate crimes in Ukraine through awareness-raising activities and information campaigns.

B. Actors

- Amnesty International, Ukraine;
- corporate entities and interested individuals;
- the diplomatic community;
- international agencies, namely IOM and UNHCR;
- government agencies in Ukraine, namely the Ministry of Interior, Ministry of Foreign Affairs, Security Service of Ukraine, and State Committee of Ukraine for Nationalities and Religions; and
- NGOs.

C. Actions

- Support government activities that encourage intercultural dialogue and inter-agency coordination with increased involvement of NGOs and IGOs;
- promote high-level dialogue among diplomatic circles and government authorities to encourage a consistent approach and acknowledgement of racial attacks and hate crimes;
- advocate for a criminal justice system that recognizes, investigates and successfully prosecutes racially motivated hate crimes;
- monitor media reporting and articles to identify defamation/hate speech;
- engage civil society participation through the realization of research and surveys, participation in round tables, participation and organization of cultural public events, monthly bulletins, information campaigns, school/embassy/club presentations, etc.;
- collect and disseminate verified and standardized statistics on suspected hate crimes, facilitate analysis of trends and develop intervention plans;
- maintain a centralized database with contributions from members, embassies, and other civil society that records incidents of suspected hate crimes and monitors trends; and
- set up a mailing list to serve as a mechanism for uniting civil society in various regions. (Currently, there are 100 individuals and organizations registered on the mailing list, and over 2,000 individuals and organizations receive the bulletin "In the Same Boat" on a monthly basis.)

D. Review

The inclusion of a broad range of actors in the network provides an opportunity to focus on multiple issues of common interest, and the consolidated action contributed to a decrease in the number of racially motivated hate crimes in Ukraine in 2009.

Statistical contributions are primarily received from actors in Kyiv, thereby resulting in regional disparity of activities.

E. Further information

Available online at: http://diversipedia.org.ua/.

10.3. Prevention of and awareness raising about human trafficking

Human trafficking is one area where the development of a range of information strategies targeted towards both the prevention and the sensitization of host communities has been particularly prominent. Several countries of origin have devised information strategies to help prevent human trafficking, while destination States have programmes to sensitize local communities and to ensure that victims of trafficking know where they can obtain help. A small selection of examples is provided below.

Council of Europe: "You Are Not for Sale" Campaign to Combat Human Trafficking

The European "You're Not for Sale Campaign" to Combat Human Trafficking highlights the protection provisions under the Council of Europe Convention on Action against Trafficking in Human Beings of 2005.

Promotional tools, such as t-shirts, postcards, and stickers, were developed, as well as a comic strip outlining the stories of five trafficked persons to illustrate the different forms of trafficking.

The comic strip is available at:
http://www.coe.int/t/dghl/monitoring/trafficking/comicstrip/default_en.asp.

Belgium: "Buy Responsibly" Campaign

The "Buy Responsibly" Campaign ("the Campaign") was launched by IOM in cooperation with Saatchi and Saatchi, in 2009, in Brussels, Belgium. It aims to raise awareness about labour trafficking and to increase consumer responsibility. The campaign consists of an event that features a giant, inverted shopping trolley imprisoning models that represent migrant workers, along with a 30-second TV spot that encourages viewers to ask "what's behind the things we buy?"

The campaign recommends actions that can make a difference. The Buy Responsibly Campaign is one of the first anti-trafficking campaigns that targets demand for forced labour in destination countries.

The Brussels launch generated more than 300 press articles around the world and encouraged more than 9,000 visitors to visit the buy responsibly website in the first four days. More than 1,500 individuals are members of the Facebook group.

For further information, see: http://www.buyresponsibly.org/.

India: Police-NGO Network to Raise Awareness

The Police-NGO network to raise awareness was initiated in 2007 in Delhi, India to raise awareness at bus stops and railway stations about human trafficking and to identify children at risk of being trafficked. The Delhi Police increased vigilance to prevent traffickers from exploiting destitute and homeless children who use bus stops and railway stations as playgrounds.

A special sensitization programme was organized for railway police and other persons on duty at railway stations, as well as street vendors, porters, and taxi drivers. The police formed partnerships with NGOs to ensure that rescued children were provided with appropriate psychological counselling and safe shelter. The police also engage in advocacy programmes at schools and colleges focusing on the process and consequences of human trafficking and informing children of the help lines and support services available in Delhi.

The alliance with street vendors, porters and taxi drivers gave them confidence to serve as informants to the Police, and the partnership with NGOs facilitated the referral of at-risk cases.

Annex 7 – UNODC, Government of India, *Compendium on Best Practices on Anti-Trafficking by Law Enforcement*, UNODC, 2007

MEXICO: LOCAL ANTI-TRAFFICKING NETWORK 2006 – PRESENT

A. Background and Rationale

Since June 2006, a broad coalition of partners from the Government of Mexico, NGOs and international organizations have been working together under the umbrella of the Local Anti-trafficking Network ("the Network") to prevent human trafficking and to protect and assist victims at the southern border of Mexico. In this context, the Network, inter alia, developed awareness-raising activities to accompany prevention and protection efforts.

B. Actors

- Agencies in Mexico, including 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, State Human Rights Commission, the Municipal and State Police Departments;
- Fray Matías de Córdova Human Rights Center;
- the Honduran, Guatemalan and Salvadoran Consulates;
- IOM;
- NGOs working at the southern border of Mexico; and
- UNHCR.

C. Actions

- The Network has developed a number of trainings on human trafficking, including presentations on the asylum-trafficking nexus.
- The Network has visited local schools to inform and sensitize students and teachers about the problem of human trafficking and also created theatre pieces about human trafficking that have been performed in public squares.
- The Network has developed a number of prevention materials, including information leaflets about human trafficking, that have been distributed in the community.

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. Currently, the Network neither has an official mandate or status as an organization nor its own budget. As a result, there are varying levels of commitment among the wide range of actors involved in the Network.

SLOVENIA: PROJECT AGAINST HUMAN TRAFFICKING AND SEXUAL AND GENDER-BASED VIOLENCE (PATS) 2003

A. Background and Rationale

In Slovenia, the Project against Human Trafficking and Sexual and Gender-based Violence (PATS) was designed to provide information on the dangers of irregular movement and human trafficking to certain groups of asylum-seekers at risk. It was also intended to assist in identifying existing trafficked persons and to provide them with necessary protection and assistance.

B. Actors

- Ministry of the Interior, Slovenia;
- two Slovenian NGOs – Ključ Association and Slovenia Philanthropy's Centre for Psychosocial Assistance for Refugees; and
- UNHCR.

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 the persons affected. The brochure encourages trafficked persons to identify themselves and provides advice on where they can obtain support and assistance in Slovenia and in destination countries in Europe. The brochure was distributed to all women and unaccompanied/separated child asylum-seekers with pending asylum claims.
- 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 brochure. During these sessions, asylum-seekers could identify themselves to social workers as trafficked persons and seek assistance.

D. Review

PATS demonstrates that an effective combination of widely disseminated information ("The Dictionary") paired with follow-up interviews and one-on-one information sessions can help identify trafficked persons. This dual strategy ensures that a maximum number of persons have access to information, through brochures, without losing the benefits of personalized discussions during which a trafficked person is more likely to identify him/herself and request assistance. The project offered a unique model to prevent the trafficking of asylum-seekers at risk and was later extended to Bosnia and Herzegovina. However, it was only targeted at women and unaccompanied/separated children who had already been identified as asylum-seekers. Migrants did not have access to this information.

E. Further Information

For further information on UNHCR's role in protecting trafficked persons, see Chapter 5.3.2 "Smuggling, Trafficking and Abduction" of *The UNHCR Handbook for the Protection of Women and Girls*, 2008, available at:
http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&query=handbook+protection+of+women+and+girls.

SOUTH AFRICA: "RED CARD" CAMPAIGN – DISQUALIFYING HUMAN TRAFFICKING 2010 – PRESENT

A. Background and Rationale

UNICEF launched the "Red Card Campaign" to support the Government of South Africa as an important awareness strategy. The campaign formed part of UNICEF's programme on Key Actions to Enhance Child Protection during the 2010 FIFA World Cup and Beyond.

B. Actors

- UNICEF;
- the National Prosecuting Authority, South Africa; and
- TOTAL South Africa.

C. Actions

- The "Red Card Campaign" was previously launched in 2002 by ILO. The re-launch of the campaign aimed to expand awareness about child abuse, trafficking and exploitation and to encourage active public participation to develop child protection systems.
- Campaign materials included 500,000 leaflets and posters, as well as red cards.
- The red card is the size of a credit card and symbolizes the cards given to soccer players who severely violate the rules of the game and are disqualified from it. Similarly, the campaign highlighted that abuse, trafficking and exploitation of children should not be tolerated in Africa.
- The National Prosecuting Authority is responsible for prosecuting cases of trafficking and TOTAL-South Africa, in cooperation with the South African Tourism Authority, are responsible for distributing red cards at service stations, hotels and car rental companies.
- The campaign targeted children and communities, parents, tourists and soccer fans, and the messages were developed with the donated expertise of Saatchi and Saatchi South Africa.
- The red cards include the logo "Give the red card to child exploitation: Be aware and keep children safe" and the toll free number for the South African Police, Childline and Child Welfare Services in South Africa, as well as tips to children on how to protect themselves from abuse, exploitation and trafficking.
- The red card was also distributed to children and adults by loveLife, Fair Trade and Tourism, and during UNICEF's community sports festivals that took place in all nine provinces during the World Cup.
- A "Red Card Campaign" website and a Facebook page were developed to solicit support and to disseminate information on human trafficking. Electronic messages helped generate awareness through 3D television screens at three international airports in South Africa to ensure that all tourists were alerted to the campaign message. In addition, a MXit mobile-based social networking platform helps UNICEF inform children about personal safety precautions.

D. Review

The "Red Card Campaign" targeted millions of South Africans and soccer supporters worldwide to raise awareness of trafficking and to keep children safe. The campaign sought to expand the protection space for children and profit from the media publicity surrounding the World Cup. The campaign was complemented by a number of child protection activities, including media and internet awareness campaigns. In partnership with the private sector, media and communication partners, UNICEF supports the dissemination of key messages and images relating to child protection and sport with the view to develop longer-term child protection systems.

E. Further Information

Available at: http://www.srtrc.org/

Annex 8 – UNICEF, 2010 FIFA World Cup: UNICEF South Africa Programmes

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Glossary

Glossary[1]

Abusive or fraudulent asylum claim: A claim made by an individual who clearly does not need international protection and which involves an element of bad faith on the part of the applicant, such as deception or intent to mislead. Such claims have been subject to accelerated asylum procedures.

Accelerated asylum / refugee status determination (RSD) procedures: Asylum or RSD procedures that derogate from normally applicable procedural timeframes with a view to expediting decision-making. Unlike admissibility procedures, accelerated asylum procedures consider the merits of a claim, albeit in an abbreviated manner. Accelerated procedures are used to determine either manifestly well-founded asylum claims, or clearly abusive or fraudulent or manifestly unfounded asylum claims. Accelerated procedures for the latter group may curtail some procedural rights; however, principal procedural safeguards and entitlements under international law still apply.

Admissibility procedures: Procedures to determine whether an asylum-seeker may be refused access to substantive refugee status determination (RSD) procedures in a particular State. Access to substantive RSD can be denied by a State only where another country has assumed responsibility for conducting RSD and/or providing asylum in line with international legal standards and subject to appropriate safeguards, or where a person submits a repeat application without presenting new evidence after his/her first asylum application has been rejected following a full and fair examination.

Assisted voluntary return (AVR): Logistical and financial support provided to non-nationals who are unable or unwilling to remain in the host country and who make a free and informed decision to return to their countries of origin or habitual residence.

Asylum: The grant, by a State, of protection on its territory to persons who are fleeing persecution, serious or irreparable harm, or for other reasons defined in national law. Asylum encompasses a variety of elements, including protection against *non-refoulement* and permission to remain on the territory of the asylum country, possibly with a view to local integration. The 1951 Convention,[2] supplemented by international human rights law, lay down the standards of treatment to which refugees are entitled in the country of asylum.

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1 This glossary focuses on terminology that is particularly relevant to mixed movements as addressed by the 10-Point Plan. It is based on, and definitions are drawn from, a variety of sources. Further definitions can be found in: *UNHCR, UNHCR Master Glossary of Terms*, June 2006, Rev.1, available at: http://www.unhcr.org/refworld/docid/42ce7d444.html; *UNHCR, UNHCR Handbook for the Protection of Women and Girls*, Glossary, March 2008, available at: http://www.unhcr.org/protect/PROTECTION/47cfae612.html; and IOM, *International Migration Law: Glossary on Migration*, 2004, available at: http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf.

2 1951 Convention relating to the Status of Refugees, 189 U.N.T.S. 137, entered into force 22 April 1954 ("1951 Convention"); see also the 1967 Protocol to the Convention relating to the Status of Refugees, 606 U.N.T.S. 267, *entered into force* 4 October 1967 ("1967 Protocol").

Asylum-seeker: An individual who is seeking asylum, but whose claim has not yet been finally decided.

Asylum procedures: *See Refugee status determination (RSD).*

Capacity building: A process by which individuals, institutions and societies develop abilities, individually and collectively, to perform functions, solve problems and set and achieve their goals.

Carrier: The owner or charterer of any aircraft, ship, train, automobile or other vehicle or vessel capable of being used to transport a person or goods to or from a State. A carrier usually refers to an airline, bus or rail company, or cruise line.

Child (minor): Every human being below the age of 18 years.

Complementary (subsidiary) forms of protection: International protection and/or asylum granted under national law or practice to persons subject to a serious threat to life, liberty or security of person but who do not qualify for refugee status under existing international refugee law instruments.

Country of destination: The country that is the actual or desired final destination for an asylum-seeker, refugee or migrant.

Country of first asylum: The first country in which an asylum-seeker or refugee finds protection.

Country of habitual residence: The country where a person usually resides. The term is specifically relevant to stateless persons, where it is used to define a stateless person's country of origin.

Country of origin: The country where an asylum-seeker, refugee or migrant comes from and of which s/he possesses the nationality. In the case of a stateless person, the country where s/he has his/her habitual residence.

Country of transit: The country through which an asylum-seeker, refugee or migrant moves (legally or irregularly) during his/her journey to a country of destination or back to his/her country of origin or habitual residence.

Data: A collection of organized information.

Detention: Deprivation of freedom of movement, usually through enforced confinement. Article 31 of the 1951 Convention provides certain safeguards in relation to the restriction of freedom of movement for refugees who enter or reside in the country illegally. UNHCR Executive Committee Conclusion No. 44 (XXXVII) sets out standards applicable in such situations.

Distress at sea: Damage suffered by a ship that may expose it to a risk of destruction. Under international law, shipmasters have an obligation to render assistance to those in distress at sea without regard to their nationality, status or the circumstances in which they are found.

Durable solutions: The means by which the situation of refugees can be satisfactorily and permanently resolved to enable them to live normal lives. This generally involves voluntary repatriation to the country of origin, local integration (including through naturalization) in the host country, or resettlement to another country.

Entry official: Any government official working in an entry system. This can include border police, immigration officials (including out-posted immigration and airline liaison officers), coast guard personnel and other officials who have "first contact" with asylum-seekers, refugees and migrants in the entry system ("**first contact entry officials**"). It can also include legislators, policy makers, judicial officers, civil servants and administrators who establish the relevant framework of laws and policies governing the entry system.

Entry system: The procedures and practices used by States to regulate access to their territory.

Expulsion: An act by a State authority with the intention and effect of securing the removal of a non-national from its territory. Refugees lawfully on the territory of the State can only be expelled for reasons of national security and public order.

Forced displacement / migration: Coerced departure of a person from his/her home or country due, for example, to a risk of persecution or other form of serious or irreparable harm. Such risks can exist due to armed conflict, serious disturbances of public order, natural disasters, or the inability or unwillingness of a State to protect the human rights of its citizens.

Forced return: Coerced physical removal of a person to his/her country of origin or a third country by the authorities of the host country.

Freedom of movement: A core human right that consists of three basic elements: the right to freedom of movement within the territory of a country; the right to leave any country; and the right to return to one's own country.

Good practice: A means to further the application of existing norms and principles, both at the international and national levels. In the context of mixed movements, it refers to an innovative, interesting and inspiring practice that contributes to the establishment of a protection-sensitive migration policy and that has the potential to be transferred in whole or in part to similar contexts.

Host country: The country in which a non-national legally or irregularly stays or resides.

Human rights: Universal standards that recognize and protect the inherent dignity and the equal and inalienable rights of every individual, without any distinction as to race, colour, sex, gender, language, religion, political or other opinion, national or social origins, property, birth or other status. They may be set out in various national, regional and international legal instruments and/or form part of customary international law.

Illegal / irregular migrant: Sometimes used as synonym for migrant in an irregular situation. Given its potentially stigmatizing effect, the expression should be avoided.

Illegal / irregular migration: Migration that takes place outside the regulatory norms of the State. This term is predominantly used from the perspective of host countries when referring to unauthorized entry and/or stay in the country.

Improperly documented person: *See Migrant in an irregular situation.*

Indirect *refoulement:* *Refoulement*, in breach of State obligations under international refugee and human rights law, can also occur when a State returns an asylum-seeker or a refugee to a third country which, in turn, returns that person to territories where he/she is at risk of persecution, torture, or other forms of serious or irreparable harm.

Interception measures: Any measure employed by a State to: (i) prevent embarkation of persons on an international journey, (ii) prevent further onward international travel by persons who have commenced their journey, or (iii) assert control of vessels where there are reasonable grounds to believe the vessel is transporting persons contrary to international or national maritime law; and where such person or persons do not have the required documentation or valid permission to enter the territory of the State.

International protection: The protection that is accorded to individuals or groups by the international community on the basis of international law. The State is primarily responsible for providing protection to its citizens. The need for international protection arises where such State protection is lacking either as a matter of law or as a matter of fact so that basic human rights are seriously at risk. This classically results from persecution, threats to life and personal security, armed conflict, serious public disorder or other man-made situations. Natural or ecological disasters or insecurity due to statelessness are additional causes. Frequently, these elements are interlinked. Persons who are in need of international protection and are outside their country of origin are afforded protection against *refoulement*.

Irregular secondary (onwards) movement of refugees and asylum-seekers: Irregular movement by refugees or asylum-seekers from a country where they have already found protection in order to seek asylum or settlement in another country.

Local integration: A durable solution for refugees that involves their permanent settlement in a country of asylum. Local integration is a complex and gradual process, comprising three distinct but interrelated dimensions: legal, economic, and socio-cultural. The process is often concluded with the naturalization of the refugee.

Manifestly founded asylum claim: A claim that on its face meets the criteria for the granting of refugee status laid down in the 1951 Convention or any other criteria justifying the granting of asylum. Such claims may be given priority processing or be subject to accelerated procedures.

Manifestly unfounded asylum claim: A claim that is clearly not related to the criteria for the granting of refugee status laid down in the 1951 Convention or to any other criteria justifying the granting of asylum. Whether a case is deemed “manifestly unfounded” or not depends upon

the degree of linkage between the stated reasons for departure and the applicable refugee definition. Such claims have been subject to accelerated procedures.

Migrant: There is no universally accepted definition of the term "migrant". It is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of "personal convenience" and without intervention of any coercive external factors.

Migrant in an irregular situation: A migrant who, owing to unauthorized entry, breach of a condition of entry, expiry of visa/stay permit, or failure to comply with an expulsion order, does not have permission to stay in a host country.

Migrant worker: A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which s/he is not a national.

Migration: Any movement of persons that is not intended to be merely of short or temporary duration, either across an international border ("**international migration**") or within a State. It is often employed to include both forced and voluntary movements.

Mixed movements (mixed migration or mixed flows): A movement in which a number of persons are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. Persons travelling as part of mixed movements have varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation.

Monitoring: Ongoing review and control of the implementation of a process or project to ensure that inputs, work schedules and agreed activities proceed according to plans and budgetary requirements. Monitoring is often carried out by an entity that is independent or separate from the implementer of the process or project ("**independent monitoring**").

National: A person enjoying the nationality of a given State.

Nationality: The legal bond between a person and a State. Generally, nationality can be established at birth by a person's place of birth (*jus soli*) and/or bloodline (*jus sanguinis*) or can be acquired through naturalization. The concept is referred to as "citizenship" in some national jurisdictions.

Non-refoulement*:** A core principle of international human rights and refugee law that prohibits States from returning individuals in any manner whatsoever to territories where they may be at risk of persecution, torture, or other forms of serious or irreparable harm. *Refoulement* can result, for instance, following interception operations, rejection at the frontier, or return to third countries ("**indirect *refoulement"). The most prominent expression of the principle of *non-refoulement* in international refugee law is Article 33(1) of the 1951 Convention. The principle also is part of customary international law and is, therefore, binding on all States whether or not they are parties to the 1951 Convention or other relevant international refugee law or human rights instruments.

Permanent residence: The right, granted by the authorities of a host country to a non-national, to live and work in that country on a permanent (unlimited or indefinite) basis.

Person with specific (special) needs: Any person who requires specific assistance in order to enjoy the full range of his/her human rights. Children (especially unaccompanied/separated children), trafficked persons, women at risk, elderly and disabled persons are among the groups that often have specific needs.

Persons of concern to UNHCR: A general term used to describe all persons for whom UNHCR is mandated to provide protection and assistance. They include refugees, asylum-seekers, returnees, stateless persons, and, in many situations, internally displaced persons (IDPs). UNHCR's authority to act on behalf of persons of concern other than refugees is based on various United Nations General Assembly and Economic and Social Council resolutions.

Profiling and referral: A non-binding process that precedes any formal status determination procedures and aims to identify the needs of, and differentiate between, categories of persons 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; counselling; and referring persons to the relevant entities or procedures that best meet their needs.

Protection: A concept that encompasses all activities aiming to achieve full respect for the rights of the individual in accordance with the letter and spirit of human rights, refugee and international humanitarian law. Protection involves creating an environment conducive to preventing and/or alleviating the immediate effects of a specific pattern of abuse, and restoring human dignity through reparation, restitution and rehabilitation.

Protection-sensitive migration policy / practice: Migration policies and practices that differentiate between, and provide appropriate measures to meet the needs of, all persons travelling as part of mixed movements, including refugees, other persons with international protection needs, as well as persons with specific needs (e.g. trafficked persons, unaccompanied/separated children or victims of trauma).

Reception arrangements: The set of measures put in place to address the material and psycho-social needs of asylum-seekers, refugees and migrants. In the initial post-arrival phase, reception arrangements are provided to all non-nationals regardless of their status. Following referral to differentiated substantive procedures, reception arrangements may vary according to the needs and status of each group.

Refugee: A person who meets the eligibility criteria in the refugee definition provided by relevant international or regional refugee instruments, UNHCR's mandate, and/or national legislation. According to many of these instruments, a refugee is a person who cannot return to his/her country of origin owing to a well-founded fear of persecution or serious and indiscriminate threats to life, physical integrity or freedom.

Refugee status determination (RSD) (asylum procedures): The legal and/or administrative process undertaken by States and/or UNHCR to determine whether a person is a refugee in accordance with national, regional and international law.

Regional consultative processes (RCPs): Non-binding consultative fora bringing representatives of States and international organizations together at the regional level to discuss migration and/or refugee issues in a cooperative manner. Some RCPs also allow the participation of other stakeholders (e.g. NGO or other civil society representatives).

Registration: The process of recording, verifying and updating information about persons of concern to UNHCR with the aims of protecting them, documenting them, and implementing durable solutions.

Regularization: Any process or programme by which the authorities of a country allow non-nationals in an irregular situation to obtain legal status in that country.

Reintegration: In the context of return, the process by which a migrant or a refugee re-establishes him/herself in the society of his/her country of origin or habitual residence. Reintegration has physical, social, legal and material security components.

Rescue at sea: Rendering of assistance to any person found at sea and in danger of being lost or in distress.

Resettlement: A durable solution that involves the selection and transfer of refugees from the country in which they have sought protection to another State that has agreed to admit them as refugees with permanent residence status. Resettlement ensures protection against *refoulement* and, in many cases, eventually provides the opportunity for the refugee to become a naturalized citizen of the resettlement country.

Return: The process or act by an asylum-seeker, refugee or migrant of going back from a host country to his/her country of origin or habitual residence.

Safe third country: A concept used as part of asylum procedures to transfer responsibility for the examination of an asylum claim from a host country to another country considered to be "safe" (i.e. able to provide protection to asylum-seekers and refugees). Such transfer of responsibility is subject to certain requirements flowing from international law, notably the principle of *non-refoulement*.

Screening / pre-screening process: *See Profiling and referral*.

Search and rescue (SAR) services: Mechanisms set in place by States to guarantee distress communications and coordination in their area of responsibility, and for the rescue of persons in distress at sea around their coasts.

Self-reliance: The social and economic ability of an individual, a household or a community to meet their own essential needs (including food, water, shelter, personal safety, health and education) in a sustainable manner and with dignity.

Separated child (minor): A child separated from both parents or from his/her previous legal or customary primary caregiver, but not necessarily from other relatives. This may, therefore, include a child accompanied by other adult family members.

Sexual and gender-based violence (SGBV): Any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a person on the basis of his/her sex or gender, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Smuggling (of persons): The procurement in order to obtain, directly or indirectly, a financial or other material benefit of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, Article 3(a)).

Stateless person: A person who is not considered a national by any State, either because s/he never had a nationality or because s/he lost it without acquiring a new one.

Stay / residence permit: A document issued by a State to a non-national confirming that s/he has the right to live in that State during the period of validity of the permit.

Stranded migrants: Persons who are not in need of international protection and who cannot remain lawfully on the territory of a host State, move lawfully to another country, or return to their country of origin.

Sustainable return: Return involving the effective reintegration of a person into his/her country of origin or habitual residence.

Temporary protection: Protection of an interim nature granted by a host State to groups of persons without conducting individual refugee status determination (RSD) procedures, where it is anticipated that their protection needs will be of a short duration.

Trafficking (in persons): The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, Article 3(a)).

Unaccompanied child (minor): A child who has been separated from both parents as well as other relatives and who is not being cared for by an adult who, by law or custom, is responsible for doing so.

Voluntary repatriation: The free and informed return of refugees to their country of origin in safety and dignity. Voluntary repatriation may be organized (i.e. when it takes place under the auspices of the concerned States and/or UNHCR) or spontaneous (i.e. when refugees repatriate by their own means with little or no direct involvement from government authorities or UNHCR).

Voluntary return: The return of a person to his/her country of origin or habitual residence based on his/her free will and an informed decision, in the absence of coercive measures.

Women at risk: Women and girls who are in situations where displacement exposes them to a range of factors that may put them at risk of violations of their rights. These risk factors may be present in the wider protection environment or be a result of individual circumstances.

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