Guiding Principles

for the Development of

Migration Policies on
Migration Policies on Integration, Return and Reintegration

of the Regional Conference on Migration

UNHCR
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Conferencia Regional sobre Migración
Regional Conference on Migration

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International Organization for Migration
Organización Internacional para las Migraciones

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PROLOGUE

Integration, return and reintegration of a migrant person are two options of their migration process, which must be met with the same seriousness and importance. A migrant person, in their quest for a new life, can succeed and reach the country of destination that wished to emigrate to, but also can see their dream frustrated and be identified by an immigration authority during the journey and be returned to their country of origin.

Integration processes imply that the country of destiny should have –and apply, if possible- immediate and subsequent measures that allow an appropriate integration of the migrant person within the social, economic and cultural context of that country.

The process of return requires bilateral agreements between the country of origin and the country of destination or transit, in order to guarantee a safe, orderly and dignified return under a human-rights approach. It also implies a serious responsibility for the countries of origin, since they must ensure and provide all necessary measures for an adequate reception and reintegration of the person returned to the economic, community and family life in their country of origin.

As the Regional Conference on Migration (RCM) is framed in a region characterized by the one of the major flows of human mobility around the world, including countries of transit, destination and return, it is immediate priority to establish a dialogue and coordination that specifically address these three themes, focusing on improving public policies on migration and the management of these migration flows.

The agenda of the RCM has been addressing these three themes as part of the three components of the Plan of Action of the Conference: Human Rights, Policies and Migration Management and Migration and Development. However, while they have been part of the discussions and dialogue practically since the creation of the RCM in 1996, both its approach and resulting actions under agreements, had proved insufficient to speak of a regional approach

It is then that, thanks to the sponsorship of the Governments of Canada and Costa Rica, and with the technical and financial support of the International Organization for Migration, IOM, and the United Nations High Commissioner for Refugees, UNHCR, two activities were held to address the three themes from a comprehensive regional vision, aimed at developing recommendations that could be approved, and at the time used by the Member Countries of the RCM. Such activities were the *Regional Seminar on Integration Policies for Immigrants, Refugees and Returned Migrants* (February, 2012) and the *Regional Workshop on Policies, Practices and Conclusions for the Return, Reintegration and Integration of Migrants* (July, 2013).

In both events, attended by officials from the Ministries of Foreign Affairs and the Migration Offices of the Member Countries of the RCM, as well as representatives from the Regional Network of Civil Society Organizations for Migration, IOM and UNHCR, the group shared best practices and identified the gaps and challenges that countries face to provide adequate care and protection to migrants during these three themes.

Results from these activities generated conclusions and recommendations of principles for the Member Countries of the RCM to formulate or strengthen their national policies and programs related to the care and protection of migrants during the processes of integration, return and reintegration.

These dialogues resulted on the creation of this document, which is a guide - as its name implies "*Guiding Principles for the Development of Migration Policies on Integration, Return and Reintegration of the RCM"* so that Member Countries can make use of it, as appropriate, in accordance with their legislation and national policies, according to what was decided by the Vice-Ministers and Heads of Delegation of the RCM during the XIX Vice-Ministerial Meeting, held in Managua, Nicaragua, June 26-27, 2014.

Thus, we sincerely hope that these guidelines serve towards the objectives and responsibilities of every reader and every institution that consider these guiding principles for the benefit of migrants.

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Introduction

The geographic region covered by the Regional Conference on Migration has been characterized by significant migration flows. The region includes countries of origin, transit, destination and return. Thus, the integration of migrants, the return of migrants, and the reintegration of returned migrants – perceived as three processes with different and independent characteristics within the migration experience – necessarily call for specific approaches in terms of policies and the management of such migration flows.

According to the International Organization for Migration, integration is seen as the process whereby immigrants – individually and as groups – are accepted by a given society. The particular requirements for being accepted by a given society vary from country to country. The responsibility of integration falls not only on immigrants but also on the government of the receiving country, as well as institutions, communities and employers. In addition, the country of origin is responsible for facilitating the issuance of the documents required by migrants to regularize their migration status in the receiving countries.

Thus, the challenge shared by migrants, governments and societies alike is that migrants participate actively in the economic, social and cultural life in the country of destination and at the same time maintain their identity. This is a dynamic process whereby a person rebuilds his or her life project in a new country. Thus migrants can gradually become self-sufficient and fully enjoy their rights, such as: no discrimination, fair access to work, to justice, to education, to community spaces, to appropriate identity

documents, to health care and to other essential services. In obtaining these rights they also acquire the same obligations as every other citizen relating to the development of the receiving country. In this regard, integration involves a dynamic relationship between migrants and the receiving society that should enable an everyday life free of situations of abuse and discrimination. In this adaptation process, the persons coming from another country should not leave their past and culture behind in order to adopt the culture of the receiving country.

When the conditions in the country of destination are not favourable or immigration policies do not enable the entry or the stay of migrants, most often return process occurs. In the first case, a voluntary return could take place and in the second case, countries of destination execute a forced return based on an administrative or judicial decision.

While return migration has always existed, in recent years it has significantly increased in the region, with an average of 500,000 migrants returning to Central America each year.

Before the recent financial crisis, the topic of return and its impact on receiving communities or returned persons and their families had hardly been discussed. After the crisis, its impact has hardly been explored and only a few countries have considered developing comprehensive policies on return and reintegration of their citizens.

Return implies a subsequent process – reintegration. Reintegration is seen as the reincorporation of a person into a group or process; for example, a migrant into his or her community of

origin or usual residence[2]. In addition, reintegration is a process which enables the returned person to participate again in the social, cultural, economic and political life of his or her community.

Assisted voluntary return and assistance for reintegration involves logistical, financial or material support by the States. There is evidence that assisted voluntary return facilitates the social, family and community reintegration of the returned person. Usually, the sending country covers the costs of the return process – and also the costs of reintegration, in some cases.

The International Organization for Migration (IOM) promotes assistance to returned persons through access and use of the social services that already exist in countries of origin. It is very important that States of origin invest in practices of reintegration with the aim of ensuring the sustainability of return and fostering the rootedness of the returned persons. In supporting reintegration, it is not necessary to allocate independent funds but rather to capitalize on existing resources such as vocational training, employment bureaus, loans to purchase homes and access to credit, among many others.

The Regional Conference on Migration (RCM) considered appropriate to reflect upon topics that are of such importance to the analysis and governance of migration flows, such as integration, return and reintegration. To this end, a regional workshop was conducted in Costa Rica which enabled discussing the experience of Member States of RCM, sharing best practices and expectations and formulating conclusions and recommendations on

2. IOM Migration Glossary, 2006.

principles to take into account in designing national public po-licy on integration, return and reintegration[3].

Principles that resulted from these two workshops have been compiled in this document, which has been designed as a gui-de to enable Member States of RCM to develop or adjust natio-nal public policy on integration, return and reintegration.

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3. The workshop, organized by RCM, was sponsored by the Governments of Cos-ta Rica and Canada, with technical and financial support by IOM and United Na-tion High Commissioner for Refugees.

General Considerations

1. While return migration is a long-standing phenomenon, it has been relatively little explored at a regional level. Return migration has a direct impact on the capacity of "absorption" into the labour market and socioeconomic stabilization, as well as on the returned persons and members of their families.

2. Return, reintegration and integration of migrants are only parts of the migration process and are not necessarily its culmination or conclusion.

3. As part of the migration cycle, return, reintegration and integration should be discussed and addressed based on the same premises that explain the phenomenon of migration: that is, with a comprehensive approach that recognizes and addresses all the dimensions and repercussions of migration.

4. The sustainability of the return lies in the interest of and is beneficial to the returned person, the community and the receiving country as well as the sending country. The returned person benefits from an appropriate reintegration, including incorporation into the labour market as well as social, cultural and family reintegration which promote rootedness. Furthermore, countries receiving returned migrants may benefit from the new skills acquired by migrants while abroad, which promote higher productivity. And the sending countries may experience a reduction in their administrative detention costs and establish diploma-

tic relations with countries of origin.

5. The objective of providing assistance for reintegration is to promote favourable conditions to enable the returned migrant to gain access to existing resources under equal conditions as the persons that have remained in the community.

6. Evidence suggests that assisted voluntary return is more likely to be sustainable than forced return, since the migrant is better prepared – through counselling and logistics support – for return and reintegration.

7. In Central America, psychological support during pre-departure and post- arrival is of key relevance to reduce the impact of the stigmatization and discrimination associated to criminal youth networks and therefore, facilitates social reintegration.

8. Addressing the challenges of managing migration involves sharing responsibility between countries of origin, transit, return and destination. In managing migration, increased coordination is required in order to achieve the sustainability of the return, reintegration and integration processes, with clearly established roles and responsibilities of both the sending and the receiving country.

9. Given the broad range of comprehensive integration and reintegration policies, they should be seen as policies to be implemented by various State sectors. Therefore, inter-institutional coordination is required. At the most fun-

damental level, integration and reintegration policies are human rights policies including access to essential public services and therefore, involve the government sectors of housing, health, labour and education as well as the media, civil society and the private sector.

A. Guiding Principles for the Development of Integration Policies

A.1. Access to appropriate documentation enabling migrants to access goods and services provided by the receiving States within the current legal framework.

A.2. Information exchange and awareness-raising for different sectors of the population and public and private institutions, with the objective of disseminating information on the rights of migrants and refugees in order to promote their reception.

A.3. Disseminating information for refugees and migrants about their rights and duties in the receiving country, with the objective of promoting integration projects in the short, medium and long term.

A.4. Active participation of migrants and refugees in the development of actions aimed at promoting their integration.

B. Guiding Principles for the Development of Return Policies

B.1. Promoting and coordinating actions oriented toward the return of national migrants, through sustainable opportunities and incentives.

B.2. The management of return migration flows is framed within the legal regulations of each country, respecting national sovereignty.

B.3. The sustainability of the return of national citizens and foreign nationals begins in the sending country and ends in the receiving country through the incorporation of the returning person into the social, psychological, economic and cultural development of the country.

B.4. Return processes should be implemented with full respect for fundamental human rights.

B.5. Promoting assisted voluntary return programmes and policies as an existing best practice that benefits migrants.

B.6. The international and inter-institutional coordination between and within the countries involved in return processes is crucial to achieving the sustainability of the return.

B.7. The return processes of groups in vulnerable situations should be addressed based on different principles, focusing on restoring the rights of these

migrants and promoting the development of their life projects.

B.8. For victims of trafficking alternatives to return should be sought when appropriate, ensuring the right to non-refoulement to the extent possible.

C. Guiding Principles for the Development of Reintegration Policies

C.1. Assistance for the reintegration of returned migrants should prevail over the benefits that migration could generate for the family, community or country of origin of the migrant.

C.2. Reception of national citizens should be implemented with a human rights approach in order to promote rootedness.

C.3. An appropriate reception is the first step toward sustainable reintegration.

C.4. Immediately providing the returned person with appropriate documents is key to ensuring his or her access to essential public services.

C.5. In promoting the sustainable reintegration of migrants three interrelated elements should be considered: opportunities for economic and labour self-sufficiency, access to social networks and psychosocial well-being.

All three elements should be present in a sustainable reintegration process.

C.6. Economic reintegration, as the first element of the equation, requires capitalizing on the work experience or education acquired in the receiving country. The private sector could help support economic reintegration efforts through corporate social responsibility programmes.

C.7. Social reintegration requires the participation of the migrant's family and community, to reduce potential tensions between the returned migrant and the persons that have remained in the community. Thus, assistance for social reintegration should consider and adjust to the social and family context of the returned migrant.

C.8. Psychosocial reintegration involves restoring the identity of the returned person in the community of origin and family. Customs, gender roles and culture tend to be different in countries of destination and therefore, have an impact on the identity of the migrant. In addition, the returned person's family and/or community perceive him or her in a different manner before migrating and after returning. This could lead to self-perception and relationship issues.

C.9. The inter-sectoral and inter-institutional coordination required to address the three above-mentioned areas of assistance is crucial to facilitating social and economic reintegration, defining roles and responsibilities in accordance with relevant State institutions.

C.10. Public policies on reintegration should prioritize the assistance to returned migrants in particularly vulnerable si-

tuations; i.e. specific protection needs of boys, girls and adolescents, returned migrants in precarious health conditions and victims of crimes.

C.11. Sustainable reintegration should be measurable to enable identifying the factors that make it possible and inform the design of new reintegration programmes. In this regard, monitoring systems are a comprehensive part of reintegration policies, to focus on following up on specific cases and connect statistical data.

C.12. Public policy on reintegration should be comprehensive but at the same time, should take into account that every strategy does not work for every case. Therefore, assistance should be individualized; addressing specific needs and considering the individual resources that are available.

C.13. Public policies on reintegration should be based on the legal framework of each country in order to strengthen relevant institutions and provide them with the resources required to assist returned national citizens.

C.14. National policies should be translated into local policies through relevant State institutions and/or community leaders.

C.15. The criminalization and stigma of return processes should be prevented through awareness-raising campaigns.

C.16. To the extent possible, assistance for reintegration should be linked to local development initiatives.