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IOM International Organization for Migration  
OIM Organisation Internationale pour les Migrations  
OIM Organización Internacional para las Migraciones

**MC/INF/293**

**Original: English  
10 November 2008**

**INFORMATION**

**INFORMACIÓN**

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**NINETY-SIXTH SESSION**

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**INTERNATIONAL DIALOGUE ON MIGRATION 2008**

***Return Migration: Challenges and Opportunities***



## INTERNATIONAL DIALOGUE ON MIGRATION 2008

### *Return Migration: Challenges and Opportunities*

1. The theme selected by the IOM membership for the International Dialogue on Migration (IDM) in 2008 is *Return Migration: Challenges and Opportunities*. The membership's decision to have IDM focus on this theme reflects their recognition that return migration requires dedicated attention of policymakers and practitioners. In order to explore the various and multifaceted aspects of return migration, IOM held two intersessional workshops in 2008 within the framework of the above-mentioned overarching IDM theme on the topics of "Managing Return Migration" and "Enhancing the Role of Return Migration in Fostering Development". These workshops brought together policymakers, practitioners, and representatives of civil society and international organizations to exchange views and experiences on return migration and discuss their diverse perspectives and approaches to dealing with the issue.

2. Both events emphasized the importance of cooperative approaches in addressing return, in particular the need for strengthened partnerships between and among countries of origin, transit and destination including at the regional and interregional levels, as well as the need to fully involve relevant non-governmental actors. Another key message resulting from the two workshops is the need to approach return as part of comprehensive migration management rather than in isolation. Building on the outcomes of the above-mentioned workshops and on IOM's research and programmatic experience,<sup>1</sup> this discussion note highlights several key areas for further consideration at the session "Return Migration: Challenges and Opportunities" at the IOM Council in December 2008.

### **Return Migration: An Overview**

3. Ease of transport, globalization, economic opportunities and disparities are drastically transforming human mobility into an increasingly complex, multidirectional phenomenon. Instead of migration being a one time journey, migrants and their families often subsequently move to a second or third country of destination. While each person has the right to return to his/her own country,<sup>2</sup> return is not necessarily the final stage in the migration process. Many migrants do not envision returning to their country of origin, and a multitude of factors influences their final decision whether or not to return. In some cases, return is part of a contractual arrangement, as for example in most temporary and circular labour migration schemes or in intra-corporate transfers. Furthermore, where return takes place, it may be of a permanent or temporary nature, keeping open the possibility of renewed outmigration. Recently, innovative options such as "virtual" return have also emerged, helping migrants to contribute to development projects in their countries of origin while remaining abroad.

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<sup>1</sup> IOM's work on return and reintegration is consistent with activities 2, 3, 4, 7 and 10 of the IOM Strategy.

<sup>2</sup> The right to return is enshrined, *inter alia*, in Article 13(2) of the 1948 *Universal Declaration of Human Rights* and Article 12(2) of the 1966 *International Covenant on Civil and Political Rights*.

4. Most returns are spontaneous in the sense that the decision is taken by migrants without the involvement of the State. However, there are situations in which States may enforce the return of individuals not (or no longer) authorized to remain in the destination country, including rejected asylum seekers, in accordance with every State's sovereign prerogative to regulate entry, exit and stay of non-nationals in its territory.

5. Above all – whether return is spontaneous, assisted by a State or other actor, or imposed by a State – the human rights of migrants, including procedural rights, should be a central priority. Any approach to return must be in line with existing international, regional and national commitments on human rights. Moreover, vulnerable groups are likely to need special attention and assistance: particular situations to highlight are those of unaccompanied minors, trafficked persons, stranded migrants, elderly migrants and those with special health needs. Family rights and gender concerns also deserve due consideration.

### **Facilitating Return Migration: Practical Approaches**

6. Return migration can be managed more effectively, productively and humanely if it is managed as part of a comprehensive approach to the overall migration phenomenon, rather than being an isolated and *ad hoc* consideration. Such an approach requires understanding the linkages between return and the different stages of the migration process (e.g. prior to departure from the home country; transit; and entry, stay and integration in the destination country). The possibility of return can be factored into policy and programmatic activities at each of these stages, to ensure that both migrants and societies can better plan and prepare for return.

7. A holistic approach to managing return migration starts with the provision of accurate and complete information to migrants regarding their rights and obligations in the area of return to their home country, as well as the possible avenues for return. For example, information on return can be provided as part of pre-departure orientation for migrants participating in temporary and circular migration schemes which require return. It is also important to make information on return easily accessible for migrants in their destination country, including information about social and economic opportunities in the home country and the existence of programmes to facilitate return. To this end, home countries can take measures to maintain ties with their nationals abroad, including through the provision of consular assistance. Furthermore, practical assistance may be needed by those wishing to return, such as updating national identity documents, ensuring the transferability of their financial assets, pensions and other social benefits, and facilitating the recognition in the home country of professional qualifications obtained in the destination country.

8. Assisted Voluntary Return (AVR) is a strategy that has developed over many years, essentially as a more humane, dignified and sustainable option that can address the individual needs of returnees and facilitate cooperative approaches among involved countries. It is usually open to all potential returnees, including cases in which stay is not or no longer authorized. Voluntary return is the option with the greatest convergence of interests for returnees, returning governments and governments in countries of origin. It takes into account the person's decision, allows them to prepare for the return, helps ensure respect for their human rights and avoids the stigma of forced return and the

potential negative repercussions of forced return for successful reintegration. Furthermore, voluntary return can help preserve an individual's chances to access immigration opportunities at a later stage and, where the return is assisted, migrants receive counselling as well as financial and/or logistical and in some cases reintegration support. For returning governments, voluntary return is generally more cost effective, administratively less cumbersome, and helps avoid friction with national and international partners. For countries of origin, voluntary return helps ensure the rights and dignity of their nationals, may include reintegration assistance for these individuals and/or their communities and may provide future opportunities for legal migration of their nationals.

9. More systematic cooperation and coordination between countries of origin, transit and destination, as well as with other relevant actors, including migrant associations, employers in countries of origin and destination as well as bank and other financial institutions, would contribute to making return a feasible option and ensuring it takes place in an effective, orderly and humane manner. It should be noted, however, that the decision to return voluntary is motivated by the interplay of diverse personal and socio-economic factors, often beyond the realm of policymaking.

### **Return Migration for the Benefit of All**

#### *Successful reintegration for migrants and communities*

10. A comprehensive and realistic view of return migration needs to take into account the broader context in which return migration takes place: any changes socio-economic and political conditions in the country of origin since departure and the way in which return takes place are likely to have a significant impact on the individual experience, the ease of reintegration in home communities, and the long-term sustainability of return. Where the environment remains unfavourable, returnees may feel more inclined to re-migrate and may do so resorting to irregular channels. Accordingly, countries of origin may need assistance in addressing the structural factors that compelled people to emigrate in the first place.

11. Assistance rendered to returnees may encompass economic, social and cultural reintegration support, including in the areas of health care and vocational/ professional development. While it is important to have policies in place for the potential return of nationals, the relations between returnees and non-migrants and the image that returning migrants have in society also need to be carefully managed. In particular, measures should be avoided that could be perceived by local communities as discriminatory against them or as unfairly privileging returning migrants, especially in sensitive situations following conflicts or crises. In addition, communities of return may need assistance to build their capacity to adequately receive and reintegrate returnees.

#### *Innovative alternatives: short-term and virtual returns*

12. Where migrants do not see the conditions as being ripe for return, some countries, often in partnership with the relevant institutions in the countries of destination, such as universities, and with the assistance of partners such as international organizations and non-governmental organizations, have looked at alternative and innovative ways to

attract highly qualified nationals on a temporary basis or “virtually”. Virtual return is a relatively new phenomenon and refers mainly to the transfer by migrants of skills and knowledge to their country of origin while they physically remain in the destination country. Using information technology, overseas nationals may become integrated into academic or business networks in their country of origin and can contribute their knowledge and experience from abroad. In this instance, partnerships between governments, academic institutions, civil society and private sector organizations are of particular importance. Temporary and virtual returns are especially important for countries in the early post-conflict reconstruction phase or which are still characterized by an insecure environment.

*Strengthening the link between return and development*

13. Making return migration work for economic and social development is a key opportunity for countries of origin and an area where cooperation with countries of destination and other stakeholders can play a major role. One of the principal benefits of return can be the “brain gain” involved in the return of skilled nationals who may have gained additional work experience, skills and know-how while abroad. For example, complementing an assessment of labour market needs with policy tools, such as special visa regimes and other incentives in cooperation with the private sector, can help attract qualified nationals from abroad. Returning migrants may bring entrepreneurial initiatives, transnational contacts, investment capital and intercultural competencies to their country of origin.

14. Of course, not all migrants see themselves as entrepreneurs. But for those ready to take up the challenge, adequate administrative support and an enabling environment are needed to turn their willingness into a successful business. States and other actors may create concrete opportunities and vehicles for migrants’ and returnees’ investments in infrastructure, enterprises or other productive activities by reducing bureaucratic barriers or other disincentives. In some cases and under appropriate conditions, this may produce a positive multiplier effect on the economy, including on the creation of jobs. One facilitating measure that can be put in place is to ensure access to banking structures for nationals who may have no credit history due to their many years of absence. No such measure, however, should entail discrimination against non-migrant nationals, but should instead be equally available to returnees and locals.

15. The substantial economic contribution of migrants to their country of origin through private remittances is well known. A migrant’s return entails a loss of remittances. However, returnees often bring back savings and other financial assets, which may also bring development benefits to the country of origin. Further studies on whether returnees’ savings offset the remittances which are lost when migrants return as well as on the broader impact of returns on the micro- and macro- economy are needed to better understand the relationship between return migration and development.

16. While returnees can make valuable non-financial and financial contributions to development, these cannot and should not be considered as a substitute for development policies or foreign aid. The personal dimension of the decision to return as well as the private nature of any returnee’s assets should be respected at all times.

## **Conclusion**

17. The topic of return migration distils a number of the major challenges pertaining to migration in general, ranging from the conditions that prompt migratory movements in the first place and that determine the incentives for and sustainability of return, to the question of how to make return “work” for the development of both individuals and societies. The various forms of return migration (permanent or temporary, voluntary or non-voluntary, spontaneous or assisted) and the relationship between return migration and other policy fields, such as development, trade, human rights and health, call for a cooperative migration management approach to develop innovative responses and to help reconcile and balance the interests of different migration stakeholders. This session will provide an opportunity to discuss ways to make return a viable, accessible avenue that can be chosen in safety and dignity.