

**ECRE**

EUROPEAN COUNCIL  
ON REFUGEES AND EXILES

CONSEIL EUROPEEN  
SUR LES REFUGIES  
ET LES EXILES

# **Increasing Refugee Participation in the Field of Voluntary Return**

**January 2004 - May 2005**

funded by the European Refugee Fund-Community Actions  
from January 2004 till May 2005,  
and co-ordinated by the European Council on Refugees and  
Exiles (ECRE).

Partner Agencies were:

ECRE

Asylcoordination Osterreich (Austria)

British Refugee Council

Greek Council for Refugees

Italian Refugee Council

Vluchtelingenwerk Vlaanderen- formerly OCIV  
(Belgium)

*The views and opinions expressed in this document arose from the work of the  
project and do not necessarily reflect the views of ECRE or of the partner  
agencies involved*



## **Contents**

### **Section 1**

**a) ECRE's definition on voluntary returns**

**b) Presentation of the aims of the project**

**c) Detailed project description**

### **Section 2**

**Policy perspective from partners**

### **Section 3**

**Women's perspectives**

### **Section 4**

**Evidence from project field visits including case studies**

### **Section 5**

**Other individual case studies**

### **Section 6**

**RCO-NGO models of practice**

### **Section 7**

**References / Bibliography / Web site links**

### **Section 8**

**Main contacts**

### **Annex Section 9; separate document**

**Brussels conference report [Feb 2005] including main recommendations**

## **Section 1a)**

### **ECRE's Position on Return**

[source: European Council on Refugees and Exiles (ECRE), *Position on Return* (POI/10/2003/Ext/MP, October 2003), at <http://www.ecre.org/positions/returns.shtml>]

### **ECRE's definition on "voluntary repatriation" or "voluntary return"**

ECRE recommends that the term "voluntary repatriation" be used to describe the return of Convention refugees, other persons with a complementary or temporary protection status, or persons still in the asylum procedure who freely choose to exercise their right to return to their country of origin or habitual residence. Voluntary repatriation should not be deemed to have taken place when an individual chooses to merely visit their country of origin.

Repatriation can only be classified as voluntary when:

- an individual with a legal basis for remaining in a third country has made an informed choice and
- has freely consented to repatriate to their country of origin or habitual residence; and
- has given their genuine, individual consent, without pressure of any kind; when such consent is elicited as a result of lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation; and
- the legal and procedural safeguards have been fully respected.

## **Section 1 b)**

### **Presentation of the aims of the project**

**The project 'Increasing Refugee Participation in the Field of Voluntary Return'** was funded by the European Refugee Fund-Community Actions from January 2004 till March 2005, and co-ordinated by the European Council on Refugees and Exiles (ECRE).

ECRE's European partners in the project, and the communities they worked with were :

- Asylkoordination from Austria, working with Bosnian, Kosovan and Afghan community groups
- VluchtelingenVlaanderen (formerly OCIV) from Belgium, working with Russian- speaking communities
- Greek Council for Refugees (GCR), working with Iraqi, Ethiopian and Afghan communities
- Italian Refugee Council (CIR), working with communities from the Horn of Africa and Afghanistan
- British Refugee Council, working with Iraqi and Sri Lankan communities

#### **The main aims of the project were:**

- To enable RCOs to know how Europe works and can influence policies at the local and national level
- To create a channel for refugee voices to add to the "returns debate"
- To determine how RCOs and NGOs together can promote good practice in "voluntary return"
- In particular, to consider: when is return 'voluntary'? when is it done well? What is the 'bottom line' for RCOs' thinking about voluntary return?

#### **The role of RCOs**

ECRE felt that RCOs can help to uphold the ECRE principles on voluntary returns because they are uniquely placed to assist people from their communities who wish to return to their country of origin; they are natural "bridges" that can help those wishing to go back to return with dignity and support, and they could help to provide returnees with adequate information and by doing so safeguard the voluntary nature of return.

RCOs have provided a more direct link with possible beneficiaries to ensure wide participation in the whole project, participate in information seminars/training sessions/consultation meetings, enable approximately 60 RCO representatives to attend as European conference.

#### **The project has tried to examine:**

- How information could be provided by RCOs
- How to meet the needs of a particular refugee community (particular national groups, women, people with skills, older returnees etc.)
- How RCOs might be able monitor the situation of people who have returned
- How European asylum policies in this area might develop

**Key overall activities for the project included:**

- Initial consultations with refugee groups at national partners' level
- RCO steering groups
- Desk research and compilation of voluntary return programme information
- Delivery of training seminars on EU developments in the field of return
- Delivery of information sessions to refugees/ RCOs on return policies and practices
- Consultations with refugee groups on voluntary return issues in order to establish good practice
- Field visits to Russia, Afghanistan, Bosnia, Kosovo
- ECRE to organise and RCOs to participate in a European conference
- ECRE to produce as handbook on good practice in the field of voluntary return

The work of the project and the final conference programme followed the four main themes of the project:

1. Pre-departure information and preparation
2. The return process
3. Reintegration in country of origin
4. Return agreements, including political negotiations and security conditions

The main aims were to get new ideas of models of good practice through project work and through the national activities and conference workshops, and to make realistic recommendations based on practical experiences.

## Section 1 c)

### **Project Title: Increasing Refugee Participation in the Field of Voluntary Return**

#### **The specific problem / question that the project addresses?**

As a result of the experiences of the current and earlier capacity building projects, it is clear that there remain issues of concern relating to refugee participation in the development and implementation of a European asylum policy, which ECRE is uniquely placed to address effectively. There are only a few EU Member States where refugee community organisations (RCOs) are involved at the national level in advocacy activities on issues of reception, integration and return. In the majority of countries there is a lack of capacity and knowledge to engage in this kind of work. Moreover, hardly any refugee community organisation is actively involved in work at a European level with regards to monitoring and having an input in European policy making. ECRE will through this project build on the achievements in the SHARE project (2002/ERF/31) and further empower RCOs to be more aware of how European decisions influence their work at the local and national level, this time focusing on the issue of voluntary return, giving refugees the tools to make better use of the opportunities the EU offers for involvement both in a practical and policy oriented way.

Second, many RCOs are uniquely placed to assist people from their communities who would like to return to the country of origin. With one foot in the country of origin and the other in the country of asylum these organisations and communities are naturally “bridges”, making them suitable both for preparatory work with returnees and for monitoring the situation of people who have returned. For a voluntary return policy to operate successfully it is therefore paramount that RCOs, as part of civil society, are involved in this work and that refugee views and concerns over current return practice are heard and listened to. ECRE aims in this project to address this problem by making the space for refugee voices to be heard in the return debate, and by looking at how RCOs and NGOs together can shape the agenda and promote good practice in voluntary return.

Third, the decision to return must be a personal one, and it should only take place at the “freely expressed wish” of the person concerned. Provision of adequate information so that the individual can make an informed decision is therefore a necessary prerequisite for return to take place on a voluntary basis. In this regard, refugee communities can play an important role in providing this information and by doing so safeguarding the voluntary nature of return. It is ECRE’s intention that this project also will look at how such information can be provided to potential returnees by RCOs, and how a more differentiated approach meeting the needs of a particular refugee community can be developed.

#### **Objectives of the project:**

The main purpose of this project is to involve refugees and their communities in the field of voluntary return. Through information seminars focusing on five EU Member States’ policies and practices of voluntary return, and consultation with refugees and their communities on their views of what constitutes good practice in voluntary return, it is our intention to develop methods, tools and processes that better enable refugees to return in safety and dignity and

use these to inform our policy and advocacy activities in relation to returns. In particular, the project aims to:

- a) Compile information on voluntary return programmes – scope, target groups, and operational arrangements in five Member States
- b) Deliver information sessions on current voluntary return policies and practices in five Member States, including the role played by NGOs, and international organisations such as IOM and UNHCR
- c) Deliver training seminars on EU developments in the field of return, including readmission agreements
- d) Engage the refugee communities in the debate on what constitutes good practice in voluntary return through consultative seminars; Seek refugee views on the necessary political, social, and economic conditions that must be fulfilled in the country of origin for return to be dignified and sustainable
- e) Conduct fact finding missions to countries of origin; Explore what role refugee communities in Europe can play in monitoring the situation for returnees; Gather case studies on returnees from certain refugee communities
- f) Investigate what activities refugee communities could do in the country of asylum to prepare potential returnees and explore the role information, training, and employment support can play in facilitating voluntary return; Establish good practice on issues related to voluntary return
- g) Carry out wider capacity building activities with refugee communities to enable them to play a more active part in the European asylum debate – link discussions on voluntary return to debates on reception and integration including policies on citizenship & long-term resident rights
- h) Produce a web-based Handbook on Voluntary Return with the key project findings and disseminate these through the organisation of an open conference

Through this two-way process whereby refugee communities i) gain knowledge and information about return practices and developments both at the national and EU level, and ii) are given an outlet to share their views and concerns about voluntary return, the ability of refugees and their community organisations to follow and influence the European asylum debate more closely will be increased. In the long-term it is our aim that this will lead to refugee communities playing a more active role in the European asylum debate both at a political and practical level.

### **Who are the Beneficiaries / Target group?**

The target group of the project is two-fold. First, it involves direct beneficiaries who are recognised refugees, either with Convention status or with subsidiary forms of protection, temporary protected refugees, or persons who have applied for any of these forms of protection, and who voluntarily would like to return to their country of origin. In all participating countries, except Belgium, the majority of beneficiaries have been granted some form of refugee status. In Belgium, the target group covers asylum seekers who are yet to receive a final decision on their request for asylum, but who voluntarily would like to return to the country of origin prior to a final decision, as well as asylum seekers who have received a final decision on their application and are required to return. Given the very different nature of incentives for return for this latter group, the findings related to rejected asylum seekers will be kept separate from those related to asylum seekers still in the process and recognised refugees.



Second, the project also targets refugee community organisations of certain nationalities / ethnic origin (see below) who support their communities with advice and practical support on a range of issues, including return. In total, it is estimated that 240 individuals will be directly targeted with information on return and participate in consultation meetings, whereas potentially a much larger group of refugees will be indirectly affected by the project through awareness raising work in the refugee communities.

The refugee community organisations involved in the project from the different EU Member States are (with number of direct beneficiaries in brackets):

***UK (40 direct beneficiaries)***

Tamil Information Centre; South London Tamil Welfare Association; Kurdish Cultural Centre; Iraqi Welfare Association; Iraqi Community Association; Iraqi Women's League

***Belgium (40 direct beneficiaries)***

Solidariteit - a platform of eight community organisations of Russian-speaking refugees, including

***Wit-Russisch Centrum (Belarus), De Eenheid vzw (Kazakhstan), Nuard vzw (Armenia), AER vzw (Russian Association in Europe), AC-AI Front (Ukraine), ICCI vzw, Voschod vzw and Meridian vzw (Uigurs)***

***Austria (60 direct beneficiaries)***

Afghanischer Kulturverein; Deserteurs- und Flüchtlingsberater - legal advice centre specialising on Kosovo Albanians; Culturni Centar - Bosnian organisation

***Greece (40 direct beneficiaries)***

Afghan Refugee Association; Mesopotamian Association; Ethiopian Solidarity Association; Foreign Refugee Association

***Italy (60 direct beneficiaries)***

Forum Italia-Somalia per la pace e la ricostruzione; Comunità Somala in Italia/Gruppo degli intellettuali somali; Comunità Etiopica in Italia; Comunità Eritrea in Italia; Federazione Nazionale Rifugiati in Italia (Fenar)

**Background and preparation of the project**

- The project builds on the SHARE project (Strengthening Refugee Participation in European Asylum Policies and Programmes) delivered during 2003, and its model for engaging with refugee groups through delivery of information / training sessions, and consultative seminars. In light of the training needs assessment carried out in the previous project, this project proposal responds to the needs of certain refugee populations who can return in safety and dignity and wish to do so.

- The project also draws on the recommendations for voluntary repatriation from refugee participants at the UNHCR conference "*The Refugee Perspective*" in Rouen (September 2001), as well as a number of ECRE policy documents on return, such as
  - ECRE Policy position on return (draft)
  - ECRE Comments on the European Commission's Green Paper on return
  - ECRE Comments on the EU Action plan on return to Afghanistan
- The project intend to use results from previous ERF Community Actions 2001 projects, such as "Empowering – Training and Staff Exchange Programme for the Capacity Building of Refugee Community Organisations and other NGOs" carried out by the Ministry of Labour in Finland in 2001, "Identification of sustainable approaches to voluntary return and reintegration of asylum seekers and persons with temporary protection status" implemented by IOM Brussels, ICMPD's project on return and repatriation, and Caritas Austria's project on return counsellors.
- Furthermore, the project makes use of recent EU developments in the field of return, including readmission agreements between the EU and third countries, and covers the Tampere conclusions relating to return, and the EC Communication on a return policy on illegal residents.

### **How relevant is the project to the chosen objective of the programme?**

The project builds the capacity of refugees and their communities to engage in the politics and practicalities of voluntary return, through increased awareness of voluntary return programmes at the national level in five EU countries, and through a better understanding of developments at the EU level. In addition, the consulation seminars empowers refugees in the sense that they are given an outlet to voice their concerns and views on how return programmes are being run at the moment, and how they can be improved.

Furthermore, the project spreads best practice on voluntary return across Europe based on refugee community needs, and makes these findings available to a wide range of actors in the asylum field, such as governments, local and regional authorities, non-governmental organisations and international organisations, in addition to refugee community groups, through dissemination at the open conference and through email / website.

Finally, the project analyses the current situation of voluntary return and their constraints, and aims to identify best practice and suggest practical improvements from a refugee point of view, to increase the uptake of this durable solution. Given the potentially important role refugees and their communities could play in promoting return in safety and dignity, the project contributes to the sustainability of return programmes.

### **How innovation is the project?**

Refugees are rarely involved directly in planning or carrying out voluntary return programs, but it remains a fact that refugees and their communities do play an important role when it comes to return decisions. According to discussions with refugee community representatives, it is community members who often are the first source of information about return given their

direct contact with communities in the country of origin. Therefore, this project is innovative in that it involves refugees directly in the debate on voluntary return and promotes return as a sustainable solution through the refugee communities.

By grounding the project directly in the refugee experience, the project also represents an innovative way to identify and develop best practice on voluntary return based on refugee needs. It is our conviction that this is necessary if we are to improve the uptake in terms of numbers and effectiveness of future return programmes.

Another innovative aspect of the project is the field studies to countries of origin to assess appropriateness of return programmes. Representatives of NGOs together with refugee community organisations have the necessary contacts, language skills and cultural competences to access on the ground information about the real situation for returnees, not available to other delegations. In particular, we envisage to gain access to case studies on how returnees are faring after their return in terms of reintegration into the country of origin, and unique first-hand information on what assistance was useful to the returnees, both prior to and after return.

Finally, the project is innovative through refugees being directly involved in project management and implementation. Refugees will participate in the project steering committee together with NGO staff, and the use of so called "multipliers" in the refugee communities (i.e. individuals from the communities who are contracted to work in the project) will ensure that activities are implemented in accordance with the project plan.

### **What is the added value of the project at European level?**

Through the open conference, the web-based Handbook, and a range of dissemination activities, including electronic newsletter, website and the ECRE Documentation Service, the project shares refugee experiences of national return programmes to a wide audience across Europe. The many information sessions and consultative seminars with RCOs will also lead to opportunities for RCOs to network across the EU, and to build partnerships with NGOs and other actors in the asylum field.

The project will have an impact on the shape of future return programmes promoted by international organisations and national administrations, based on the view from refugee community organisations and direct beneficiaries. Although the information sessions and consultative meetings take place within a particular national context, we will be able to draw relevant comparisons between EU Member States and look at transferability of good practice from one country to another.

Finally, by engaging refugees and their communities in the debate on return, and linking this discussion on voluntary return to debates on reception and integration including policies on citizenship & long-term resident rights, the project will also result in a wider capacity building with refugee communities being achieved. This will enable RCOs to play a more active, and complete, part in the European asylum debate.

### **Project implementation**

## **Approach and methodology:**

Building on the experience and contacts made in the SHARE project, this proposal will further strengthen the bond between RCOs and NGOs and allow for a closer working relationship within civil society at European level. This interaction will improve programme design and service delivery to refugees.

The project actively involves the ECRE Secretariat, liaison officers from five lead agencies and refugees in the Steering Committee that will be set up to guide the project activities. Representatives from the European Commission / national ERF administrations will also be invited to some steering committee meetings.

Refugees will be directly involved in the project through a "multiplier approach" where the lead agencies subcontract refugees to do consultancy work within their community. Each lead agency will work with multipliers from different ethnic/national refugee groups interested in voluntary return, and the number of indirect beneficiaries will be larger than the 240 indicated.

Fact finding missions to the countries of origin will be conducted by RCO representatives in partnership with project staff in order to gather information on successful and sustainable return programmes and case studies on returnees from the refugee communities involved in the project. This field information, combined with information on the preparation of return programmes in the countries of asylum, should provide a comprehensive view of the whole process of returns and should improve the design and effectiveness of future return programmes.

## **Description of the activities undertaken, and means used:**

- Compilation of voluntary return programme information and adaptation of this material to a suitable format for refugee groups. This will mainly be carried out through desk research in the five participating agencies.
- Delivery of information sessions to refugees / RCOs on return policies and practices in five EU Member States. To be delivered either by staff in participating agencies or by external trainers.
- Delivery of training seminars on EU developments in the field of return, in the wider context of European harmonisation of asylum policy. The ECRE Secretariat will lead on this activity with participating agencies in charge of adapting the content to the relevant national context.
- Consultations with refugee groups on voluntary return issues in order to establish good practice. Topics of relevance to both the situation in the country of asylum and country of origin, could be:
  - Analysis of shortcomings of existing voluntary return programmes
  - Analysis of the conditions necessary for dignified and sustainable return as they relate to legal, material and physical safety in the country of origin, the role of intergovernmental organisations such as UNHCR and IOM and governments facilitating return,

- The role of reception and integration programmes in preparing for return, including go and see programmes, provision of training and employment support prior to departure, counselling support and so on
  - The role of re-integration assistance, training and employment support, in the country of origin of returnees including financial and material support for a set period of time;
  - Effectiveness of Incentives like travel grants, remittances, transfer of funds/pensions
  - Debates on the role refugee communities actively can play in this field. In particular, look into the feasibility of RCOs providing support in preparing returnees in the country of asylum, and monitoring the situation of returnees in the country of origin. Determine to what extent different return approaches should apply to different ethnic or national groups
- Conduct field studies to countries of origin made up of a delegation of NGO/RCO representatives. The countries of origin where the field studies will be carried out will be the ones linked to the RCOs involved in the project, i.e. Sri Lanka for the UK; Bosnia, Kosovo and Afghanistan for Austria; Afghanistan for Greece, Horn of Africa (Ethiopia, Eritrea and Somaliland) for Italy, and former Soviet republics for Belgium.
  - Production of a web-based Handbook on good practice in the field of voluntary return
  - Organise and participate in an open conference aimed at disseminating the findings of the project

### **Organisation, implementation procedures (within partnership and with beneficiaries and target groups):**

The project will actively involve the ECRE Secretariat, ECRE member organisations from the ERF countries through appointed project officers, and refugees / representatives from RCOs in the steering committee that will be set up to guide the project activities. Representatives from the European Commission and from the relevant national ERF administrations will also be invited to some steering committee meetings. The steering committee will maintain regular contact over email and telephone and meet three times during the project life.

### **The role of ECRE member organisations**

In order to further refugee participation in the development and implementation of voluntary return programmes and policies, each ECRE member organisation participating in the project will:

- Maintain and strengthen contacts with selected refugees and refugee community organisations / groups;
- Assess their needs in terms of information about return programmes; level of potential involvement, and activities already in place in order to better facilitate networking and exchange of information;
- Compile material on voluntary return programme in the national context;
- Participate in the development of a common information module on EU developments in the field of return, in conjunction with participating RCOs and the ECRE secretariat
- Deliver the information sessions, either themselves or through the use of external, professional trainers;

- Hold a series of consultation meetings with RCOs on return issues to identify and document examples of good practice, as well as explore the role RCOs could play in monitoring and/or implementation of return programmes
- Conduct field studies to countries of origin to gather case studies of returnees and examine what role RCOs could play in monitoring the situation of returnees
- Contribute to the production of a web-based Handbook on good practice in the field of voluntary return
- Participate in the planning and running of the open conference to share the findings of the project.

### **The role of the ECRE Secretariat**

The ECRE Secretariat will have a co-ordinating role in the project, with a particular responsibility to:

- Provide overall management of the project, including overseeing the work of the liaison officers and financial reporting;
- Represent the project to external bodies such as the Commission, governments, and other non-governmental organisations;
- Ensure coherence between the activities of the participating agencies through project staff meetings;
- Facilitate cross-communication and cooperation in the implementation of the project by using established ECRE dissemination tools such as the website and documentation service;
- Take steps to ensure that the project is coordinated with the work of refugee community organisations and other relevant ERF funded projects, both at the national and EU level;
- Lead on the development of training sessions on EU measure in the field of return within the wider context of EU asylum policy;
- Take the lead in organising the open conference to disseminate the findings, ensuring participation from all ERF countries;
- Prepare and disseminate a written report from the open conference;
- Coordinate the production of the web-based Handbook on good practice in the field of voluntary return
- Maintain a general watching brief on asylum issues that require follow up in the context of the EU policy development to ensure that relevant issues are fed into the information sessions and the open conference.

### **The role of the Refugee Community Organisations (RCOs)**

The representatives of refugee community organisations provide the direct link with the beneficiaries and will:

- Assist in the design of information/training sessions through participation in the Steering Committee
- Ensure wide participation in information/training sessions, consultation meetings, and the open conference from their respective communities
- Take the lead in organising the consultation meetings by identifying and preparing participants in consultation with the ECRE Secretariat and the ECRE member organisation in that particular country
- Prepare and conduct the field trips together with the ECRE member organisation in that particular country

- Participate in the project staff meetings and the preparation and implementation of the open conference.

### **Operational Arrangements**

In terms of the operational arrangements, the member agencies will:

- Appoint a liaison officer among their staff to take the lead role in undertaking all operational arrangements;
- Participate in any relevant co-ordinating mechanisms to ensure consistency of approach and project coherence as agreed by all project partners involved;
- Raise resources for co-financing of the work within the ERF countries;
- Contribute to regular reports from the ECRE Secretariat (based on the Commission's reporting requirements);
- Take part in any evaluation as agreed by the project in order to meet any quality standards as agreed by all project partners involved.

In terms of the operational arrangements, the secretariat will:

- Appoint a project coordinator to take the lead role in undertaking all operational arrangements;
- Convene meetings of the implementing staff employed in the project;
- Raise resources for co-financing of the work within the ERF countries;
- Prepare financial and narrative reports to the funding body;
- Co-ordinate the evaluation of the project.

In terms of the operational arrangements, the participating RCOs will:

- Appoint a RCO representative to undertake all operational arrangements;
- Participate in any relevant coordination meetings of the implementing staff employed in the project;
- Contribute to the preparation of financial and narrative reports to the funding body;

### **Partners contribution to the project?**

Five ECRE member organisations from different member states will act as lead agencies, with a co-ordinating role for the ECRE secretariat. The following organisations will be involved in the project: Asylkoordination (Austria), OCIV (Belgium), CIR (Italy), British Refugee Council (UK), and the Greek Council for Refugees (Greece). The refugee community groups that will be involved will vary from country to country, but includes representatives from Iraq and Sri Lanka in the UK; from Bosnia, Kosovo and Afghanistan in Austria, from Eritrea, Somalia and Ethiopia in Italy; from Ethiopia and Afghanistan in Greece and from Russian-speaking communities in Belgium.

### **Results, Evaluation and Dissemination**

The project will result in the development and delivery of capacity building information sessions on voluntary return for refugees and their communities, making them more aware of European and national policies and practices in this field. In addition, the project will also lead to refugees becoming more actively involved in the debate on voluntary return through a set of consultative events aimed at establishing good practice. In particular, as a result of the project, we expect to find that:

- Refugees and their communities in five EU Member States have a better understanding of voluntary return programmes, including activities by NGOs, and international organisations, and possible shortcomings of existing programmes
- Refugees and their communities have an increased awareness of EU developments in the field of return and how these developments affect national policies
- Refugee community organisations and NGOs together have developed their thinking on what constitutes good practice in voluntary return, with concrete examples of the political, social and economic conditions that must be met for dignified and sustainable return both in the country of asylum and in the country of origin
- Refugees and their communities are more involved in the shaping of ECRE policy and advocacy strategy on return, leading to greater influence in the European asylum debate
- Refugee community organisations have a clearer idea of the kind of activities they could implement assisting members of their communities in preparing to return
- Returnees' knowledge about the situation on the ground in countries of origin is improved, through the field trips carried out by the refugee community organisations
- With voluntary return programmes better suited to the needs of refugees, return becomes a real option for an increased number of persons
- ECRE will use the findings of the project to inform its policy and advocacy work in relation to returns but also reception and integration activities and the debate on access to long term residence status and citizenship for refugees.

#### **Sustainability of the results (and possible medium and long-term impacts)?**

- A model for sustainable return will be developed through the use of examples of good practice and rooted in refugee experience and disseminated to other countries
- Involvement of refugees and their communities in the promotion and management of future return programmes will ensure enhanced social sustainability of this modality
- ECRE's work on policy development and advocacy on return is more grounded in refugee experience
- Information materials will also be posted on a website to be updated regularly
- Sharing of experience and good practice on returns to various countries of origin will be instrumental in the definition of sustainable models of voluntary returns in the field
- Lessons learned from voluntary returns can also be applied to the return of rejected asylum seekers or those whose status has expired, like the cases of temporary protection
- Existing RCO networks promoted within the SHARE project will be strengthened with the active engagement on a specific issue, such as voluntary return

#### **Dissemination of the results**



The results will be disseminated to refugees and their communities, as well as to local and central governmental agencies, NGOs, politicians and decision-makers at national and European level, and international organisations such as UNHCR and IOM.

The results will be disseminated using:

- Information sessions to RCOs in the participating countries
- Reports on current situation for returnees in some countries of origin following field visits
- Handbook on voluntary return with examples of how RCOs can be involved in preparing returnees with information and practical assistance, and assessments of what role RCOs can play in the monitoring of returnees
- Website and electronic newsletters
- Articles in regular publications and newsletters of lead agencies
- Open conference involving practitioners and decision-makers from countries of asylum across Europe
- Input from beneficiaries point of view into policy development and advocacy work conducted by ECRE on voluntary returns

### **Project evaluation [ Internal and External]**

Internal evaluation is foreseen through the following means:

- Short evaluation forms of the content and conduct of the training sessions and the conference will be circulated to participants. As the training is staggered over a period of time, this approach will enable us to amend subsequent training sessions according to the wishes of earlier participants.
- At the lead agency level, control and evaluation of all activities in the project will be exercised through weekly/monthly team meetings and through established line managerial structures in the organisations.

External evaluation is planned through the following means:

- An evaluation committee will be established, comprising of five persons, including academics, people with experiences from the countries of origin and from outside the voluntary sector. It is envisaged that one each participating Member State in the project will be represented on the evaluation committee. The evaluators will carry out a baseline survey of refugees' level of awareness of voluntary return programmes before and after the project activities.

- The lead agencies will also evaluate progress in their country towards the end of the project period, taking into account the views of refugees, RCOs and NGOs who have not been directly involved in the project.
- This will be complemented by an evaluation by the ECRE Membership at the Biannual General Meeting in Spring 2005 on the extent to which the expected results actually have been achieved.

## **Section 2**

### **Perspectives from the 5 EU member states participating in the voluntary returns project**

#### **Four parallel strands looking at the whole return process including**

- **Pre-departure information and preparation**
- **The return process**
- **Reintegration in country of origin**
- **Return agreements, including political negotiations and security conditions**

#### **Voluntary returns**

- a) From an UK perspective [Sri Lanka / Iraq]**
- b) From a Belgian perspective [Russian]**
- c) From a Greek perspective**
- d) From an Italian perspective**
- e) From an Austrian perspective [see Section 4]**

## Section 2 a)

### **Policy perspectives on good practice relating to refugee returns by Sri Lankan Tamil refugee community organizations in the UK**

#### **1. Returns to Sri Lanka**

(In addition to issues of voluntary return, this note deals with issues relating to involuntary return, since these two issues are linked. Unless the issues relating to involuntary returns are considered and the concerns addressed, it would be difficult for community organizations to contribute effectively to any debate on voluntary return.)

##### **1.1 ECRE definition**

ECRE recommends that the term “voluntary repatriation” be used to describe the return of Convention refugees, other persons with a complementary or temporary protection status, or persons still in the asylum procedure who freely choose to exercise their right to return to their country of origin or habitual residence. Voluntary repatriation should not be deemed to have taken place when an individual chooses to merely visit their country of origin.

Repatriation can only be classified as voluntary when:

- an individual with a legal basis for remaining in a third country has made an informed choice and
- has freely consented to repatriate to their country of origin or habitual residence; and
- has given their genuine, individual consent, without pressure of any kind; when such consent is elicited as a result of lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation; and
- the legal and procedural safeguards have been fully respected.

**1.2** UNHCR says in its *Handbook on Voluntary Repatriation: International Protection* that the ‘principle of voluntariness is the cornerstone of international protection with respect to the return of refugees’, and it must be viewed in relation to both (a) conditions in the country of origin (calling for an informed choice) and (b) the situation in the country of asylum (permitting a free choice).

##### **Return in safety**

Return taking place under conditions of **legal safety** (such as amnesties/assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return), **physical security** (including protection from armed attacks, and mine-free routes and if not at least demarcated settlement sites), and **material security** (access to land or means of livelihood).

##### **Return with dignity**

The concept of dignity must include that refugees are not manhandled; that they can return unconditionally and that if they are returning spontaneously they can do so at their own pace; that they are not arbitrarily separated from family members; and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.

**1.3** In the case of Sri Lankan refugees, these principles have often not been observed by countries of asylum and in a number of instances, restrictive measures have been applied to Tamil asylum seekers as an example, before such measures are extended to other asylum groups.

## **2. Pre-departure**

**2.1** The UNHCR Handbook describes voluntariness as “the absence of measures which push the refugee to repatriate”. Returnees should not only make a choice voluntarily but also be able to make an informed choice. The British Home Office has consistently and for many years resorted to measures that force asylum seekers to agree for voluntary repatriation. This has been the case as well in other European nations where Tamil asylum seekers have sought refuge. These include, taking away legal rights and welfare payments or denying basic facilities. In effect, the so-called “voluntary return” is not voluntary. It is in this light, community organizations adopt policies that even oppose voluntary returns. Following are some of the measures that bring pressure on asylum seekers:

**2.2** Basic human rights, such as the right to adequate food, fuel, clothing and shelter, have been denied. ‘Means testing’ has deprived refugees of funds for even basic needs and many have become destitute. Local authorities are no more funding the maintenance of the asylum seekers, as the government does not adequately support them. In many cases, where asylum seekers are entitled to assistance from the National Asylum Support Service (NASS), the Home Office has wrongly decided that they are not entitled. Many asylum seekers have also been denied or deprived of accommodation facilities, resulting in great hardship.

**2.3** Asylum seekers were earlier allowed to find employment if the period of asylum decision by the Home Office exceeded six months and were allowed to continue education. These have now been denied. Some analysts say that the denial of welfare, accommodation, education and employment may be linked to increased violence and crime among young Tamils.

**2.4** Rejected asylum seekers are often ordered to report to the police. Some have even been asked to report twice a day, hardly giving the person any time for personal life. Asylum seekers reporting at Eaton and Croydon are pressured by the authorities to go to the Sri Lankan High Commission to obtain travel documents to facilitate returns. Tamil asylum seekers have been detained to facilitate an interview with the Sri Lankan High Commission to obtain travel documents.

**2.5** Asylum seekers are increasingly denied adequate legal advice and legal services. Earlier, all asylum cases were entitled to legal aid, but now, only 5% of the cases are granted. The conduct of an asylum case is impossible without at least £5,000. A number of Solicitors firms which undertook asylum cases have been closed and these cases are not being handled. As a result, application for extension of stay is not often made and this is another reason that forces people to agree to return. The Home Office tells the asylum seeker to find another representative, but this is sometimes not possible within the time available. The Legal Service Commission is inspecting the files of solicitors and making decisions on how the case should be handled and this is affecting the outcome of the cases. The community organizations have no resources to take up these issues.

**2.6** There are huge problems relating to the integrity of legal representatives in Tamil asylum cases. Lawyers often make exorbitant charges and do not provide proper information or services to asylum applicants. Thousands of cases have been affected as a result of solicitors mishandling cases. This has resulted in the intervention of the Law Society and several firms have been closed. Restrictions on legal aid and the new rules on procedures have also resulted in the closure of several legal firms handling asylum cases. An example of the latter would be the firm of Winstanley Burgess, which was the foremost firm on asylum issues in Britain.

**2.7** The interpretation service relating to asylum determination is hopeless. In many instances, interpreters translate the statements of asylum seekers incorrectly, leading to the rejection of the application or appeal.

**2.8** Members of Parliament are also refusing to make representations on behalf of asylum seekers. MPs and local councillors are often provided the wrong information, which affect representation.

**2.9** Asylum seekers are also affected by the interpretation of the definition of 'asylum' by the judiciary. There is no consistency or fairness in the decisions. Different adjudicators take different views on the same issue and the outcome of an asylum case depends on the ability of the lawyers presenting the case before courts rather than just and fair legal principles. Credibility of the asylum seeker has increasingly become an important issue for the adjudicators, and preoccupation on this affects the cases.

**2.10** There are many Tamil asylum seekers in detention. The detainees have complained about harassment and illegal treatment, such as deprivation of sleep, in order to force them to agree to return to Sri Lanka. It has also been revealed that detainees at the Oakington detention centre have been ill treated by the authorities.

**2.11** Despite the continuing problems in Sri Lanka, huge obstacles are placed before the refugees and the Secretary of State for the Home Department has placed Sri Lanka on a "White List" of safe countries. Furthermore, legislation also provides for certification of 'manifestly unfounded' asylum claims and a fast track asylum determination procedure without any in-country asylum appeal. Certified Tamil asylum seekers after 23 July 2003 are detained at the Oakington detention centre while their claim is processed. Only two agencies are authorized to provide them legal advice. These organizations are unable or unwilling to challenge the Secretary's decision for certification. The asylum seekers should have choice for representation, including solicitors firms and non-profit advisory service organizations.

**2.12** The Country Assessment reports produced by the Home Office are extremely poor, often misrepresenting events in Sri Lanka. The UK-based Immigration Advisory Service (IAS) has severely criticized the Country Assessments. The IAS found the following problems in assessments:

- Basic inaccuracies – eg. Source material referred to did not contain the information Home Office assigned to it.
- Use of out-of-date material
- Omission of detail potentially relevant to an asylum claim
- Misleading presentation of material

- Lack of analysis leading to a falsely positive outlook
- Plagiarism
- Inappropriate use of source material.

In the case of the Sri Lanka Country Assessment, IAS said that the Home Office presented an overly optimistic picture of the human rights situation in the country in comparison to the source materials it relied upon. Such Assessments are used in the determination of asylum claims and applications are rejected on the basis of incorrect information. Tribunals and courts are not accepting some sources of information. Proper country information is important for asylum claims. Because of the problems in the determination procedure, the Refugee Council and other refugee agencies have demanded the establishment of an asylum determination procedure and an information gathering body that are independent of the government. The Home Office appointed an Advisory Panel on Country Information in 2003. But the Home Office is not obliged to accept the Panel's advice.

**2.13** There is political instability, violence, continuing human rights violations and widespread corruption in Sri Lanka and safety of returnees may be at stake. Despite attempts by the international community, including the European Union, there has been no political solution in Sri Lanka, and as days pass, hopes of a peaceful settlement are disappearing.

### **3. Decision to return**

**3.1** A voluntary decision to return is possible only when there is adequate information to make an informed choice. Currently, general information is provided by agencies such as International Migration Organization (IOM) and UNHCR. But these organizations do not provide detailed information on the situation. No agency currently provides adequate information to enable the refugee to make an informed choice to return to Sri Lanka.

**3.2** Refugees must have access to information on the country of origin, particularly on the following:

#### **3.2.1 The human rights situation in the country of origin**

- The human rights situation generally in the country and the at local area level [This is important, because different parties hold different territories in Sri Lanka].
- International and national human rights agencies present nationally and at local level.
- Remedies available in case of human rights violations.
- Services available in case of human rights violations.
- The law and order situation.

#### **3.2.2 Freedom of movement**

- Accessibility to areas controlled by government and rebel parties
- Accessibility to high security zones
- Accessible roads
- Transport facilities to the area and at village level
- Access to the sea for fishing.

### **3.2.3 The availability of facilities**

- Financial and other assistance
- Educational facilities available
- Medical facilities available
- Facilities available for mental health and psychological and psychiatric treatment
- Special facilities for women and children
- Special facilities for other vulnerable groups such as the elderly
- Employment and training facilities available
- Housing and other shelter facilities
- Availability of land and facilities for agriculture, farming and fisheries
- Communication facilities such as telephones, post and e-mail.

### **3.2.4 Legal security**

Returning asylum seekers as well as internally displaced people face a huge number of legal problems. Among these are: land and homes are occupied by others who have acquired ownership over a period of time under prescription laws; new rights, such as access to water wells and roads, have been created during the period of absence; ownership and other documents have been lost or destroyed in the war; land boundaries have been destroyed. In addition, the Tamil Tigers have introduced their own laws in the territories they control. UNHCR has published a report on these issues and has urged the Sri Lankan state to amend the relevant laws or introduce new legislation. But so far no adequate action has been taken. Returning asylum seekers should also be aware of the legal problems that may arise on return.

## **4. Return process**

**4.1** Sri Lankan refugees on temporary admission have been detained when visiting police stations or immigration offices to sign and returned to Sri Lanka. These are most vulnerable among the asylum seekers. In early October 2002, fifteen Tamils were returned to Sri Lanka without being allowed to collect even their possessions.

**4.2** Some refugees have been returned while the asylum procedure is pending. In 2004, a Sri Lankan asylum seeker was sent to India and he was returned to Britain by the Indian authorities. These measures are carried out at great expense to the tax-payer.

**4.3** In the case of detention or removal, very often, notice is not given to the legal representative. Legal representatives sometimes become aware of the deportation only on information from friends or relatives of the asylum seeker. Where all legal rights of appeal have been exhausted and there is intention to detain or return, the asylum seeker and his representative should be given notice and time allowed for the asylum seeker to finalize his/her affairs.

**4.4** Individuals have been removed, while their immediate family remains in Britain. Husbands have been deported while the wife and children remain. Separation of the family is inhuman and is against human rights obligations. Where a person has been given permanent residence, the partner's status should also be regularized.



**4.5** Asylum seekers have been assaulted and handcuffed during removal. Sometimes the asylum seeker is handcuffed during the whole journey. The Home Office position is that its responsibility ends as soon as the asylum seeker is put on the aircraft. This is inhumane and contrary to the requirement that asylum seekers should return in safety and dignity.

**4.6** Asylum seekers have been returned to Sri Lanka while their appeal rights are pending, without notice to legal representatives. This kind of removal and return not only involves large expenditure but also exposes the asylum seeker to the very authorities who are alleged to be the persecutors.

## **5. Human rights situation in the country of origin**

**5.1** Asylum seekers should return to the country of origin in safety and dignity. In this context, human rights are important and governments should ensure that countries to which refugees return observe international human rights standards which are applicable to all nations, including those that return refugees. It must also be ensured that the recommendations of the UN Treaty Monitoring Bodies are implemented by these countries.

**5.2** There have been a number of incidents where returning asylum seekers have been subjected to threats, assault, extortion and detention in Sri Lanka. An asylum seeker returned from Sweden was detained, tortured and murdered in custody by the Sri Lankan police. The Home Office is currently carrying out removals without proper consideration of conditions in countries of origin. The following are some of the problems:

**5.2.1** Human rights agencies have continued to raise concerns over torture in Sri Lanka. Since the ceasefire of February 2002, the incidence of torture in police stations has increased.

**5.2.2** The Tamil Tigers and other Tamil militant groups are targeting each other and since the ceasefire, more than 200 Tamils have been killed in the north-east and in other areas of Sri Lanka, including Colombo. No one is able to stop these killings. In a dangerous development, a senior leader of the Tamil Tigers was assassinated in February 2005 and the Tigers have blamed the Sri Lankan Army of involvement.

**5.2.3** The Prevention of Terrorism Act (PTA), which has facilitated impunity and contributed to a huge number of human rights violations and which has been condemned by the UN, continues to be in force. It must be noted that EU nations failed in their objective, as stated in the Action Plan of the EU High Level Working Group, to persuade the Sri Lankan government to repeal the PTA or bring it inline with international standards.

Following the assassination of prominent judge Sarath Ambepitiya in Colombo in November 2004, Sri Lanka has announced the resumption of the death penalty, which had remained suspended for 28 years. This means Tamils convicted under the PTA may face the death penalty.

In addition, following the tsunami disaster, the Sri Lankan President declared a state of emergency in Jaffna, Kilinochchi, Vavuniya, Mullaitivu, Batticaloa, Amparai and

Trincomalee districts in the north-east and fears have been expressed by Tamils that this will contribute to further violations by the authorities.

**5.2.4** UNICEF has expressed concern over continuing recruitment of child soldiers by the Tamil Tigers. This issue has also been raised at the UN Security Council.

**5.2.5** Hardly any measures are taken against perpetrators of human rights violations and this has contributed to impunity among security forces and government officers. A law against torture exists since 1994, but no one has been punished for the crime of torture, although the Supreme Court has found many persons guilty and has awarded compensation to the victims. Four Presidential commissions investigated 37,662 disappearances and found evidence in 21,115 cases. But no action has been taken against the persons responsible for the disappearances.

**5.2.6** Human rights institutions, such as the Sri Lankan Human Rights Commission are ineffective and have failed to use powers granted under the law to bring offenders to book. The UN and international human rights agencies have urged the Sri Lankan government strengthen the Commission, but no effective action has been taken.

**5.2.7** Millions of landmines are preventing access to areas and resettlement in the north-east region. Some landmines in coastal areas have been displaced by the tsunami, creating increased danger for civilian populations.

**5.2.8** The following restrict the freedom of movement: landmines, military and paramilitary camps, restrictions imposed by parties who control territory, and high security zones declared by the Sri Lankan military and the Tamil Tigers.

**5.2.9** The 20-year war and the tsunami have destroyed a large part of the infrastructure in north-east Sri Lanka. eg. 63,000 houses were destroyed in the north-east and 10,500 partly damaged. This is in addition to 326,700 houses destroyed or damaged in the war.

## **6. Peace process in the country of origin**

The fragile peace process in Sri Lanka must be taken into consideration. Despite a ceasefire, there has been no peace agreement, and both parties have continued strengthen the military. It must be ensured that returns do not contribute to the instability and affect any peace process in the country of origin.

## **7. Integrity of the family**

Family connections must be considered, such as, allowing adults and children, who have lived in the country for a long period, to continue to stay. Children who have lived in the UK for many years would be psychologically affected, their education disrupted, become vulnerable on return and would not be able to cope. The Home Office issues humanitarian to unaccompanied asylum seeking children only up to the 18<sup>th</sup> birthday and then the applicant is liable to be removed. By the time the child reaches 18, he/she has been resident for several years and sometimes has entered universities.

Residence permits should be given on compassionate grounds to those who receiving medical treatment, particularly psychological treatment, to ensure continuity and success of treatment and cure. The position of the elderly should also be considered on compassionate grounds.

## **8. Monitoring in the country of origin situation**

**8.1** The Sri Lankan government or any other government has not established any procedure to ensure safety of returnees in the country. Many refugees have no relatives or places to live in the capital Colombo where they are returned. UNHCR, which has a mandate to ensure safety of refugees, must be involved in monitoring returning asylum seekers and to ensure that they reach their home areas safely.

**8.2** Refugee community organizations in Britain had earlier suggested to UNHCR that an independent Returnee Monitoring Agency (RMA) should be set-up with a strong participation of human rights and other NGOs. We also suggested that the RMA should have a presence at the ports of entry in Sri Lanka, given full information about returns and given access to the returnees. Such an agency would give confidence to returnees.

**8.3** Returnees should be granted amnesties as proposed by UNHCR. In Sri Lanka, many asylum seekers have been arrested and charged under the Immigrants and Emigrants Act for leaving the country illegally.

**8.4** The monitoring agency should have access to the asylum seekers after they return to their countries of origin. It is the view of the community organizations that 'passive monitoring' by UNHCR or any other agency is insufficient. If the objective is to ensure safety and dignity of the refugees, then there should be active monitoring, at least for a specified initial period. The returnees should also be able to contact the monitoring agency easily and quickly in case of emergency.

## **9. Return agreements**

**9.1** The Sri Lankan government has stated that their priority would be to resettle the huge number of internally displaced people, the refugees in India and then only welcome asylum seekers in other countries. UNHCR has taken a similar position. The positions of the Sri Lankan government and UNHCR are important in the formulation of return agreements.

**9.2** The return agreements are prepared and signed in secret without any consultation with the refugees or refugee organizations. Up to now, the Home Office has refused to issue a copy of the return agreement between the UK and Sri Lanka. Consultation and transparency are important factors relating to return agreements.

**9.3** The current agreements are concerned with involuntary return and not voluntary returns. Inclusion of clauses in the agreements relating to the safety of refugees and availability of assistance in Sri Lanka would be welcome. The signatories must commit themselves in the agreement itself to provide the security and facilities for resettlement.

## **10. Tsunami disaster in Sri Lanka**

**10.1** The tsunami in December 2004 killed more than 38,000 people in Sri Lanka. A preliminary assessment by the World Bank, estimates the overall tsunami damage in Sri Lanka at around \$1 billion and the financing needed is estimated at \$1.5 to 1.6 billion. The tsunami destroyed some 99,480 houses and partly damaged 44,290. Schools, hospitals, cultivated crops areas, home gardens, livestock, businesses, transport, communication and power facilities have been destroyed. The tourist and fishing industries have been badly affected. Reconstruction is expected to take many years.

**10.2** The tsunami has affected the districts, which are places of origin of most of the Tamil refugees. These districts had already suffered severe damage by the 20-year civil war. The disaster will affect return of refugees. Several countries have recognized this fact and have postponed return of refugees.

## **11. Consultation and involvement**

**11.1** It is the experience of community organizations that governments and international agencies, and even national agencies, do not adequately consult them on asylum and related issues. Many problems arising in return of refugees could be avoided through proper and meaningful dialogue. There must be regular discussions with community organizations and government and international agencies should look at their reports and other publications.

**11.2** Community organizations can also help in reintegration of returning refugees, as they have relevant information on the needs of individuals and communities. The training, skills, working experience and professional qualifications of expatriate community members would be assets in the reconstruction process.

**11.3** Community organizations should be assisted in developing local communities in the countries of origin through village-level political, social and economic empowerment, democratic governance and human rights.

## **Best practice proposals from UK Iraqi refugee community**

### **Introduction**

Most of the Iraqi asylum seekers in Europe live in Sweden, Holland, Germany and the United Kingdom. Until a few years ago most of those arrived in the UK were either granted refugee status or exceptional leave to remain. Since the overthrow of Saddam Hussein the Home Office has been refusing many Iraqi asylum seekers and planning to return all refused asylum seekers to Iraq.

Over the last few years, Iraqis have accounted for the largest number of UK asylum seekers. In 2001, 6,210 were refused asylum; how many subsequently won their appeals is unknown. The following year, of nearly 12,000 Iraqi applicants, some 9,000 were granted "exceptional leave to remain" or, in a few cases, refugee status, in 2002, of the 3,000 refused leave to stay, 60%-70% were again rejected on appeal. Unable to go home, because of the political, economic, and security situation in Iraq, most of them now are either destitute or supported under "Section 4".<sup>1</sup>

### **Current condition in Iraq**

Until six months after the overthrow of Saddam Hussain's regime many Iraqi asylum seekers in the UK were thinking about returning to Iraq because the political environment and security situation in the country was improving. Since January 2004 the security condition has worsened and many innocent Iraqi civilians have been killed. The recent Advisory paper by UNHCR<sup>2</sup> on the security condition in Iraq is authoritative and unambiguous. UNHCR has stated Iraq continues to be extremely unstable, the security situation in the capital is dire and the conditions in other cities have worsened. There is no effectively functioning government and judicial system, and the security and police forces are unable to offer adequate protection to the population.

There are high levels of concern about the physical safety of persons travelling to Iraq because all the routes to Iraqi capital are very dangerous. Travellers to Iraq since last April realised that it was very dangerous to travel from Baghdad to other parts of the country and have been very concerned about forced return of asylum seekers to Iraq because the route from Jordanian boarder to Baghdad is very dangerous; travelling from Baghdad to other parts of the country is not safe either. In recent months certain groups of people have been targeted and face a well-founded fear of persecution, for example Iraqi civilians employed by the UN, NGOs and foreign contractors, Iraqi intellectuals, medical staff and doctors, journalists, artists. In the last 12 months many of them have been kidnapped and killed.

These conditions in Iraq should be taken into account by any country contemplating sending asylum seekers back to Iraq. Under these circumstances the focus should be on the voluntary return option for those who wish to return, instead of forced returns.

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<sup>1</sup> Failed asylum seekers are supported under Section 4 which is discretionary and given to people who have had a negative asylum decision, exhausted all their appeal rights and are willing but unable to return to their country.

<sup>2</sup> UNHCR Paper on return to Iraq on <http://www.unhcr.ch/cgi-bin/texis/vtx/rsd/rsddocview.pdf?tbl=RSDLEGAL&id=4174df314>

### **Conditions for Iraqi asylum seekers in the UK**

In the last four years [2001-5] there have been two new asylum and immigration laws in the UK. Each time the Government changes its policy in this area asylum seekers are further deprived of their liberty and dignity. Many of their rights and entitlements are either denied or restricted, including rights to legal advice, to appeals, to provision of support, education, training and health care.

There are some serious problems with getting access to legal advice because most Iraqi asylum seekers who arrived here in the last five years have been dispersed to regions outside London. In many of these regions there is no access to good quality legal advice, because there are no immigration advisers in the area. Thousands of Iraqi asylum seekers have been affected as a result of legal advisers mishandling their cases. Very often asylum seekers are invited to asylum interviews without having a solicitor present at the interview, many of them do not understand the process and sometimes they are interviewed on their arrival without an interpreter, and as a result they are not able to give full details for their asylum claim. This situation has had a huge impact on initial decisions on asylum applications. Most of these cases have been refused either because the Home Office does not have full information about the case, or their country information is not adequate; as a result most of these applicants appeal against the decision.

### **Voluntary Return Programme**

In recent years the Home Office has consistently resorted to measures that force asylum seekers to agree to voluntary repatriation. These include, taking away legal rights and welfare payments or denying basic facilities. In effect, the so-called "voluntary return" is not voluntary since, very often, Iraqi asylum seekers accept the option because they do not have any other choice.

ECRE defines the term "voluntary return" as the return of Convention refugees, other persons with a complementary or temporary protection status, or persons still in the asylum procedure who freely choose to exercise their right to return to their country of origin or habitual residence. Voluntary repatriation should not be deemed to have taken place when an individual chooses to merely visit their country of origin.

Return can only be classified as voluntary when:

- an individual with a legal basis for remaining in a third country has made an informed choice and has freely consented to repatriate to their country of origin or habitual residence; and
- has given their genuine, individual consent, without pressure of any kind; when such consent is elicited as a result of lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation; and
- legal and procedural safeguards have been fully respected, such as not returning individuals to face the risk of torture or cruel, inhuman or degrading treatment or punishment or other violations of their human rights under international human rights law.

In the last two years [2003-5] the Home Office consulted with Iraqi refugee community organisations about their voluntary returns programme to Iraq. Within this operating framework, the Iraqi members of the UK EVRP Steering Group considered a number of initiatives, which they considered could constitute good practice in the field of voluntary return.

## **1. Permission to work/temporary protection**

States should issue temporary protection to returnees, and allow them to work for a period prior to return.

Many 'voluntary' returnees opt for this solution because they are destitute in the country of asylum. As such the return may not be voluntary at all and this has implications for the integrity of voluntary return and its effectiveness as a durable solution.

Allowing people to work provides a means of empowerment, an opportunity to acquire/maintain skills, and demonstrates faith in the individual returnee. The individual is also afforded the opportunity to acquire some capital to assist their return. Granting a period of temporary protection to returnees provides breathing space to begin preparations for return, which enhances the prospect that the return will be sustainable.

There could be considerable resistance to this practice in some EU states, where the work concession has been removed and temporary protection is increasingly unlikely. There is no guarantee of employment opportunities. It should also be noted that this practice only applies to states that have withdrawn the work concession, particularly the UK.

## **2. Refugee community involvement in return agreements**

Refugee community organisations (RCOs) must have input into bilateral or tripartite return agreements between host states and countries of origin.

Return agreements are generally negotiated and concluded on a bilateral basis between host states and countries of origin; occasionally, UNHCR may be included in a tripartite agreement. Refugee communities, representing the subject of the agreements, are not normally consulted as part of the drafting process. The result is an agreement that is greeted with scepticism and suspicion by the refugee community in question.

A refugee community's involvement in drawing up a return agreement can ensure that its needs remain in focus throughout the negotiation process. The resulting agreement could more closely reflect its concerns and more appropriate to its needs than it would otherwise, and provide a workable blueprint for voluntary return that can be owned by the refugee community.

Political factors will, of course, vary from country to country. Some refugee communities may not wish to become involved. Some states may wish their negotiations to remain confidential, as other diplomatic considerations come into play. States and diaspora communities frequently disagree over when a country is

suitable for return. This practice could work in many contexts, but the political factors described above may come into play.

### **3. Pre-departure training**

Countries of asylum should provide training for returnees prior to their departure. This should include vocational elements tailored to individual requirements, as well as reorientation with the country of origin including current conditions and employment opportunities.

Training can build up individual capacity, involve people in the reconstruction process in the country of origin, and engender greater faith in the voluntary return programme. People are more likely to trust the process if they feel they are being adequately prepared for what can be a very difficult undertaking. From a governmental point of view, it highlights their commitment to sustainable voluntary return and demonstrates a significant investment on their part.

Returnees can then have faith in the process, and are empowered and equipped to return with more prospect of success.

Governmental attitudes may prove to be a considerable barrier. Many EU states are convinced that 'pull-factors' play a big part in movements of asylum seekers toward the EU. Providing training to returnees is viewed in some quarters as just this kind of pull-factor. The most effective challenge to the political attitudes described above is to emphasise that the practice is transferable, can smooth the return process for participants, make a contribution to sustainability and reconstruction, and enhance people's faith in voluntary return as a durable solution. A pilot EU scheme should be proposed, benchmarking existing national schemes.

### **4. RCO partnership work**

RCOs need to be more actively involved in the implementation of voluntary return programmes.

Trust is a major factor in operating voluntary return programmes and it has generally been lacking. Refugees and asylum seekers normally trust RCOs more than governments and refugee agencies. RCOs therefore need to be actively consulted and involved in developing programmes, as they know their communities and people may therefore be more inclined to approach them. RCOs could also produce and disseminate information about voluntary return and conditions in the country of origin.

Giving RCOs a role and say in the implementation of voluntary return programmes can result in more appropriate programmes and information provision. It promotes ownership of schemes among the communities.

Voluntary return is highly politicised and is deeply controversial within many communities. The suitability of a country of origin for voluntary return can be a contested notion and in some instances RCOs may be unwilling to become involved. For RCO involvement to be viable, it must be ensured that voluntary return conforms to an agreed set of standards, including the protection needs of the individual. It



should also be noted that an exceptionally harsh government asylum policy toward a particular nationality might prove a barrier to their involvement.

This practice could be transferable but, given the points made above, the willingness of RCOs to become involved, and indeed of host states to allow them to do so, will vary from country to country.

## **5. Tailored programmes for vulnerable groups**

It is vital to ensure that voluntary return programmes take into account the needs of groups that have particular needs in a given context: e.g., women, the elderly, unaccompanied minors, people with disabilities. Specific individuals may have particular needs, which cannot be adequately catered for, in the country of origin. It may be that although individuals wish to return, the lack of provision of essential services is proving to be a barrier to their return.

Voluntary return programmes should as a matter of course include a needs assessment for vulnerable groups. This should include a comparison of the level of service provision in the countries of asylum and origin; if possible, agencies with expertise in working with vulnerable groups, as well as the groups themselves, should be consulted as part of this process and possibly engaged to provide service as part of the programme. Where significant gaps are identified, suitable provision should be made in voluntary return programmes for those vulnerable individuals who have expressed a wish to return.

There may be significant cost elements involved in building in safeguards for vulnerable groups. Clear process descriptions and guidelines would be required for multi-agency involvement in voluntary return.

This practice can be transferred across national contexts, although the level of service provision for vulnerable groups will change from country to country.

## **6. Monitoring returns**

A robust and systematic monitoring process is needed to evaluate how a returnee's expectations and concerns in respect of their material wellbeing, security and protection measure up to their actual experience after return.

There is generally little faith in state-sponsored voluntary return programmes among communities. Adopting a transparent and honest monitoring system goes some way to acknowledging this and acting upon it.

The process should be open and honest. While good news stories are one aspect we also need to capture the lows to feed into long-term development and gain credibility. Realism is essential for trust and confidence building. Monitoring can help to inform development of current and future VR programmes, provide feedback to communities, and highlight concerns and positive developments, and help us all to learn what works and what does not work.

We need to be realistic about limitations: some people won't want to stay in touch; we may only get a representative sample; the security situation in a country of origin can hamper access; and generally it can be difficult to keep track of people. There

are major logistical difficulties in developing a systematic returnee monitoring process. What are the objective indicators to be used? Are they the same for every nationality? What safeguards are built in? What happens if individuals are having problems?

This practice is transferable to all contexts. One possibility is for an EU-wide monitoring process that engages IGOs, NGOs and RCOs to provide data and expertise.

## **7. Closer ties with the reconstruction process**

Governments should ensure that voluntary return programmes are developed with involvement of all departments and actors with an interest/expertise in the country of origin. It is particularly important for government departments/NGO/IGOs engaged in development activities in the country of origin to be consulted.

Voluntary return frequently involves countries emerging from protracted conflict and/or periods of economic and political turmoil. One critical success factor in a voluntary return programme should therefore be its sustainability. Voluntary return programmes frequently appear to be developed in isolation, primarily by immigration authorities in the country of asylum. Benefits offered – for example, cash grants or reintegration assistance – can be perceived by would-be recipients as being inappropriate given the conditions in the country of origin. More complex environments require a multivalent approach on the part of governments.

Participation of the development community in voluntary return can provide additional evaluation of the prevailing conditions in the country of origin, and therefore its suitability for returns in terms of the protection needs of the individual, while ensuring that programmes provide long-term opportunities to returnees. It can help to devise activities and opportunities that are more meaningful and realistic, and tailored to the conditions in the country of origin.

There are significant difficulties in putting this into practice. Voluntary return is exceptionally politicised and some organisations may decline to be involved. There are also issues around the capacity of other departments and NGOs to become involved in drawing up programmes. In some countries of origin, development activity is extremely difficult if not downright hazardous, so the ability to become involved is diminished.

The practice can be transferred to most contexts. Generally, EU states have a development / aid focus on most refugee-producing countries.

## Section 2 b)

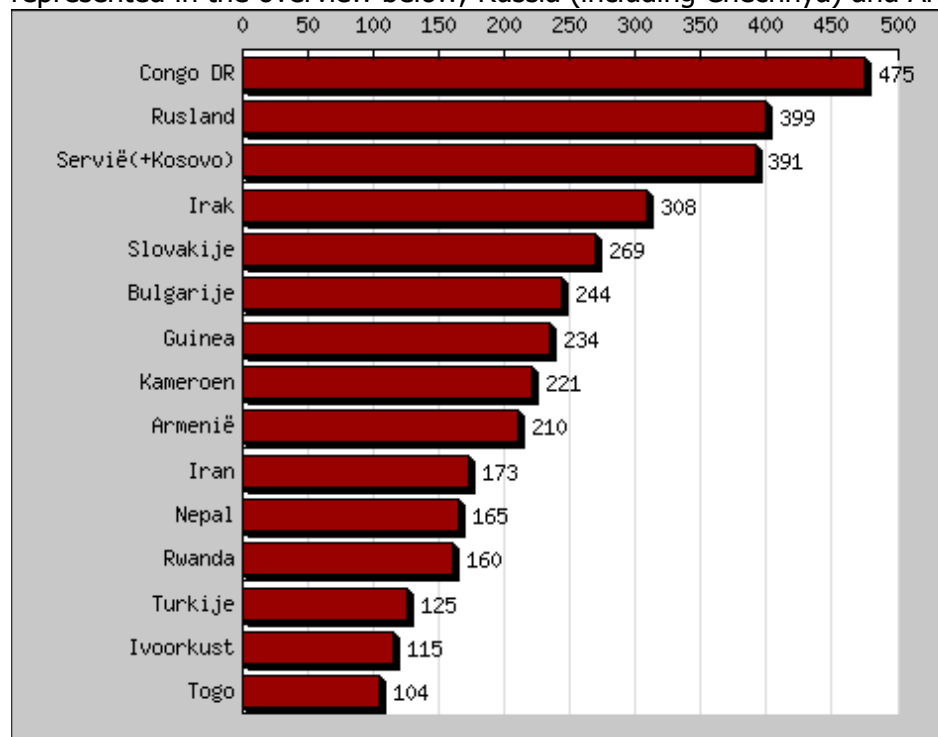
### Policy perspectives on good practice relating to refugee returns by The Russian-speaking community in Belgium [contribution from VV]

#### A short overview of the situation of the Russian-speaking community in Belgium

The Russian-speaking community is not only a very large community but includes also a large number of different nationalities. Members of the Russian-speaking community come from the following countries: Armenia, Azerbaijan, Estonia, Georgia, Kazakhstan, Kirgistan, Latvia, Moldavia, Mongolia, Ukraine, Uzbekistan, Russian Federation, Tajikistan, Turkmenistan and Belarus. The Russian-speaking community in Belgium is a large group - approximately 40,000 persons – and most of them stay in cities such as Brussels, Liège and Antwerp. There are no official figures because a large number of the Russian speaking persons are illegally on the Belgian territory.

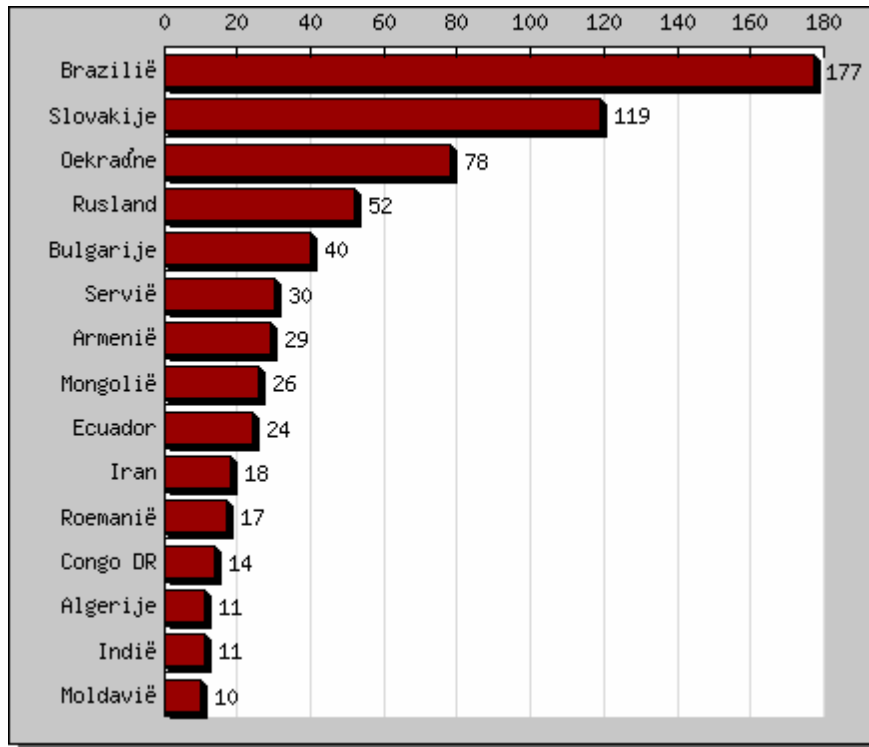
The Russian-speaking community is very well organised. There are a lot of refugee community organisations (RCOs) which develop integration activities and provide a limited number of services for their members. Most of the RCOs are allied with one of two groups: Solidariteit-Platform van Russisch-sprekenden brings together a large number of organisations in Flanders; whilst AER (Association Européen des Russophones) is its Walloon counterpart. Most RCOs cater for people of the same nationality.

With regard to asylum applications, two former Soviet Union countries are represented in the overview below; Russia (including Chechnya) and Armenia:



*Number of asylum applications in Belgium in the period January – April 2005*

With regard to the countries of destination for take up of voluntary return, the following former Soviet Union countries are also found: Ukraine, Russia, Armenia and Moldavia.



*Voluntary return to the country of origin in the period January – March 2005*

## **Pre-departure**

The issue of voluntary return is not really open for discussion within the Russian speaking community and the community is rather unwilling to address it. Asking for correct information is therefore not common. A survey has shown that if information is needed, people will look to find it on the Internet or from friends or relatives rather than seeking assistance from social services. Seeking active support for voluntary return is a mayor step for most members of the community. And for this reason, it is important to develop informal approaches first.

There is a need for information at different levels. There is the need for up-to-date information concerning: documentation (delivery of a *laisser-passer* or other appropriate documentation), how embassies collaborate, the risks of being arrested and forced return, the practical support of IOM offers, the social, economic and political situation in the country of origin, and the prevailing security conditions. There is no formal website in Belgium where the Russian speaking community or the partners in the voluntary return programmes can find this information on a structured basis. The RCOs themselves are an important source of information on countries of origin. In addition, the vast majority of the Russian speaking people maintain family contacts and seek information from them to keep up-to-date with developments.

The information sessions were the first attempt to raise the issue of voluntary return with the Russian-speaking community. The sessions were placed in a wider context than purely voluntary return. The subject of these information sessions was defined as: "Future perspectives after the asylum determination procedure". Taking into account the advice from an RCO, "voluntary return" was not treated as the sole topic of these meetings. This was due to a reluctance to address the topic of return and

in recognition of some wild stories on return circulating within the community. The sessions looked at also other items such as integration, illegality and regularisation as well as voluntary return. The information sessions were delivered by Vluchtelingenwerk and IOM. IOM presented its work and the different return programmes available. The information sessions ended with participatory exercises responding to participants' questions, observations and findings.

This interactive part of the sessions taught us that there are a lot of questions about voluntary return. People not only posed technical questions, but are also in need of information on reintegration and financial support. There are a lot more issues to return than booking an air flight and offering a financial bonus (foreseen in the programme of IOM). People wish to develop longer-term perspectives and to create opportunities for investment in the country of origin. The Russian-speaking refugee community shows great interest in starting up small-scale enterprises but requests education, and contact with and support from organisations in the country of origin and the financial support in order to carry out the enterprises.

*Findings from the information sessions:*

- the persons who took part in these sessions are/were illegal in the country or were still in the asylum determination procedure
- the participants refused to give their personal identity data
- anonymous participation was very important
- the average number of participants per session was 22.5 persons
- there was a lot of positive feedback on the concept and the structure of the sessions. It was felt that this initiative was unique and gave an opportunity to get correct information.
- participants also appreciated the individual approach (the opportunity to ask personal questions during and after the sessions)
- there exists an enormous need for information on the topics which were taken into consideration: integration, regularisation, illegality and voluntary return
- the Russian-speaking community has prejudices about voluntary return and is informed badly on the topic
- organisations such as Vluchtelingenwerk, ECRE and IOM were not at all well known in the Russian-speaking community
- the interest in the topic "voluntary return" depends on the status of the individual: while illegal persons show no interest, asylum seekers who stay in a refugee centre or in another reception facility are, on the contrary, willing to take return into account
- developments at a European level were not taken into consideration: the refugee community organisations and the participants saw it as a priority to be informed about developments and policy at the national level. Europe is clearly a step further to which the different groups pay no attention and show no interest at the moment.
- Other issues:
  - the information sessions developed a better understanding of voluntary return
  - the information sessions created a forum for a network
  - Through the information sessions a very sensitive theme became open for debate
  - after the series of information sessions has ended the refugee community organisations became an information point about voluntary return

These aspects show that the organisation of information sessions is very important in the pre-departure process. The Russian-speaking community has:

- a need for correct information
- a need for informal contacts
- a need for personalised information

At present we are working on the development of informal initiatives in Belgium. RCOs are actively involved in the pre-departure process in a spin-off project working with 20 persons in their voluntary return to the Russian federation. The RCOs are the primary player: they give information on voluntary return, they discuss the specific needs of the group in consultation with a local partner organisation in the country of origin and prepare a technical return dossier. Our first findings indicate that the RCOs clearly address specific needs such as communicating in Russian and are able to provide an informal and low-key approach for participants.

### **Return process**

During the return process IOM plays the leading role. Every returnee candidate can apply for help to the return program REAB. It offers the following services:

- Information on assistance in Belgium
- Information on the eligibility criteria of the REAB programme
- Information on the situation in the country of origin (health care, housing, education, employment, economical situation, transportation, telecommunications, existing reintegration schemes, etc.)
- Travel Assistance
- Financial assistance to cover the possible costs of transportation in Belgium
- Financial assistance to cover the possible costs of excess luggage
- Assistance in the obtaining of a valid travel document
- Direct financial assistance
- Medical assistance
- Assistance upon departure
- Assistance in the airport of transit
- Assistance in the country of destination

There is no specific package for return to the former Soviet Union countries. The REAB program offers a standard support package. The Russian-speaking community formulated several suggestions in order to tune the REAB services to their needs:

- Financial assistance: the standard amount of assistance is 250 Euros. This amount is too small for survival. It is important to set the level of assistance to the living conditions in the country of origin and to the specific situation of the returnees.
- Luggage: many in the Russian-speaking community have lived for four or five years in Belgium and wish to transport a lot of luggage. There is no

possibility to transport extra luggage and the costs of a container are too high.

- assistance at the airport in the country of origin: this service is not automatically offered and there is no guarantee that returnees will avoid financial fines. A lot of returnees have questions about the security situation on arrival and about the severe identity controls.

## **Reintegration in the country of origin**

The Russian-speaking community has specific expectations for the reintegration process. It is obvious that the reintegration process has to start before the return. It is necessary to develop the first steps towards reintegration during the preparation process. For example, are there housing possibilities? What are the professional prospects? Are there adapted education services? These questions are fundamental ones for returnees.

A field trip to the Russian Federation allowed us to identify the following barriers:

- The Russian government has a negative attitude towards returnees as they believe that the returnees have damaged their image. They hold that those who have sought asylum in another country, have put the Russian Federation in a bad light.
- The Russian government takes no initiative in the reception and support of returnees.
- Persons who have lost Russian citizenship have difficulties in obtaining registration and a passport.
- No registration means no legal stay and no social and financial benefits.
- The possibilities for reintegration will vary from region to region.
- Finding accommodation is a large problem, and especially for returnees. Many will have sold their houses before leaving. No accommodation means no registration with the authorities.
- Returnees' chances on the job market are better because of their foreign experiences but the search for a job must start before departure.
- After long-term absence in the country of origin there may be a need for orientation counselling.
- In the Russian Federation persons originating from South-Caucasus and Chechnya are discriminated against.
- After a restructuring the Federal Migration Service has come under the Russian Police Force (in former days: Ministry of Home Affairs).

An additional need is the creation of conditions to support the starting up of small businesses. At this moment there are no stimuli to promote entrepreneurship. Investment is needed. There is fierce competition and political controls cause delays and barriers. Starting up a business is not possible without training, financial support and the support of a local partner.

Support via local organisations offers an important source of added value: it helps the preparation of the reintegration process before the return, it assists follow-up and the development of monitoring. In Belgium several organisations developed a partnership with local organisations: Caritas with Caritas Ukraine, CIRE with some business support services in Armenia, and Vluchtelingenwerk with Memorial and the Civic Assistance Committee for Forced Migrants and Refugees.

## **Return agreements**

In 2004 there were negotiations at the European level with Russia and Ukraine, and at the Benelux level with Georgia, Armenia, Azerbaijan and Moldavia. At this stage we have no information about the results of the negotiations.

## **Links**

<http://www.actiegroepsjetsjenie.org>

<http://www.amarcord.be/index02.html>

<http://users.pandora.be/dekraanvogelvw/about.htm>

<http://www.ruscom.info>

<http://vluchtelingen.upcase.be/apps/pnupcase/index.php?module=htmlpages&func=display&pid=10>

<http://www.gollandia.com>

<http://www.partners-in.nl/Default.asp?lang=nl>

<http://www.rusland.net/nl/index.html>

<http://www.russia.nl>

[http://dmoz.org/World/Nederlands/Maatschappij/Etnische Groepen/Russen](http://dmoz.org/World/Nederlands/Maatschappij/Etnische_Groepen/Russen)

<http://www.belgium.iom.int>

<http://www.hro.org/ngo/memorial.engl.htm>



## **Section 2 b**

### **Policy perspectives from Belgium on good practice relating to refugee returns to the Russian Federation [RF]**

#### **I. General Context of the RF**

The Soviet Union was a mono-ideological milieu, which the dissidents opposed with their own ideology of criticism and protest designed to expose the lies. In this way the two ideologies were naturally tied together.

Today, Russian society has no ideology at all; people are disoriented; they cannot create a system of values. What is more, they are irritated and nervous because the laws, the social security, health and educational systems change their rules frequently. There are many other fears caused by acts of terror and bureaucratic arbitrariness; people fear that they might lose their jobs, that their pensions are too small, that they might have not enough money to pay for medical services, for their children's education. The business community is living in fear of violating laws.

This causes aggression and a need of an enemy. Aliens are best suited to this role—hence a high wave of xenophobia; people from other countries, the “blacks,” Chechens, human rights activists have become objects of this hatred. New arrivals are hated because they steal jobs from the locals and because they commit crimes. Tajiks are falsely accused of ninety percent of drug-related crimes. According to official figures of the Ministry of the Interior foreigners are responsible for 3 percent of such crimes (Tajiks are responsible for 1 percent of them.) Yet nobody needs the truth.

In fact, it is much easier to rule aggressive and frightened people and to channel aggression in the desired direction. To abandon this mechanism of manipulation the powers that be need will, which is absent. Manipulators skilled in using such technologies are working together with the highest authorities.

Today society is prepared to accept everything power has to offer: the prosecutor general announced that he was prepared to take hostages. The human rights activists and the Human Rights Commission at the President demand that he should be dismissed. This produces no results. People are silent.

In violation of the Law of the RF “On the Freedom of Movement” that requires registration of all people by the place of their temporal and permanent domicile within 10 days of their arrival to the RF the RF President promised the Ukrainian citizens the right to stay in Russia without registration. The Ministry of the Interior took this for a guide to action announced from the TV screens. By the time the president was back the Ukrainians had already achieved a privileged status as compared with the citizens of Russia. No objections followed.

The level of racism and other forms of xenophobia is rising high. As a result people prefer to emigrate, mainly to the West. In 2003 Russia produced the largest number of asylum seekers.

At the same time, the demographic situation in Russia is appalling. According to the State Committee for Statistics, in 2003 annual average natural decline of population in Russia was 0.6 percent; in some regions the figure was as high as 1.3 percent and more. According to the forecasts for 2013 produced by the same committee the population of Russia will drop from 144 million to 137 million (decrease of 5.5 percent.) Experts believe that after 2006 the country will experience a swift decrease of able-bodied population (at an annual rate of about 1 million.) According to the UN paper "Replacement Migration: Is It a Solution to Declining and Ageing Populations?" estimated Russia's annual requirement in replacement migration at 498 thousand. This completely coincides with the projections offered by Russian experts of the Human Demography and Ecology Centre. The authors have estimated that to stem the decline of the able-bodied population Russia will need 715 thousand migrants every year. According to the State Committee for Statistics, in 2003 only 93,081 migrants came to Russia; this number compensated for 0.05 percent of natural population decline. It should be added that **the struggle against illegal migration has been officially announced the cornerstone of Russia's migration policy.** All migration structures have been actively involved in this. This harsh and ill-considered migration policy that adds to the mounting demographic crisis is undermining the country's socioeconomic development.

### **Causes of Migration**

The main migration flows take place between the RF and former Soviet republics.

Emigration from the former Soviet Union has several dimensions: ethnic, brain drain, artists and skilled workers, victims of ethnic conflicts, etc. The ethnic dimension was the main one: members of ethnic groups that had state formations outside Russia preferred to leave. Throughout the 1990s members of ethnic groups migrated for economic reasons; recently they have been driven by the fear of ethnic repressions.

Immigration from the former Soviet republics consists mainly of people speaking Russian and identifying themselves as Russians; labor and economic migrants from the poor republics and a tiny trickle of those who left the Soviet Union for the West under Soviet power.

Starting with the 1990s Russia has been an object of refugees (victims of ethnic conflicts and discrimination) from the CIS countries.

People from Afghanistan comprise a large number of those who come from the far abroad in search of asylum.

### **Estimate of Number of Emigrants**

About 2.2 million left the RF for the former Soviet republics.

Over 1 million left Russia for far abroad, 95 percent of them went to Germany, Israel, and the United States.

Recently, discrimination and hostilities in Chechnia have increased the flow of forced migrants from the RF. According to the UN High Commissioner for Refugees over 33 thousand left Russia and asked for asylum in 2003 alone.

The Soviet Union's collapse left about 25 million Soviet citizens who looked at themselves as Russians outside the Russian Federation. The larger part of them would have been probably willing to move to Russia yet nothing was done to welcome them.

According to the Ministry of the Interior in the last 12 years 7 million received residence permit in Russia.

In 1996 the RF submitted to the UN Conference on Migration in the CIS Countries the figure of 270 thousand refugees living in Russia. Later, however, their documents were invalidated. Today, only 625 people have an official refugee status. This small figure has nothing in common with the real figure of refugees: according to the UNHCR, there are over 100 thousand Afghan citizens living in the RF.

### **Regions of Main Emigration**

Chechnia is undoubtedly the main source of emigrants in the Russian Federation.

Large cities are losing their educated population that moves to the developed countries where it can use its knowledge.

There is ethnic emigration from other regions where ethnic minorities (with state formations outside the RF) live in compact groups.

Germans are leaving the Volga area; Finns are leaving Karelia.

The Meskhetian Turks now living in the Krasnodar Territory are moving to the United States under special programs; the same applies to the Armenians from Baku who spent many years trying to settle in the Moscow region.

### **Profile of the Emigrants**

Let's have a look at the demographic description of Russian emigrants. In 1990, women comprised nearly 55 percent of them, men, 45 percent. Over 45 percent of Soviet emigrants were 60 and over; people between 25 and 54, the employable ages, comprised 33 percent. In the 1990s the shares of older people in the emigration flows from Russia dropped to mainly 16-18 percent; the share of all employable ages increased considerably to reach 40-41 percent.

The professional composition of emigrants deserves attention. In different years the share of people with higher education was between 15 to 30 percent, that is, much higher than the share of other categories. Students and school pupils comprise the second largest group, which means that it is mainly "white collars" who leave Russia. Outside Russia, Russian emigrants are mostly employed in the sphere of professional services, education and health; processing industry comes second, retail trade, third.

The category of wealthy people able to buy a passport and a foreign visa from private companies connected, in an informal way, with the structures of the Ministry of the Interior, dominates among the asylum seekers from the Chechen Republic who come to the West.

## **Position of the Authorities Regarding the Return of Russian Persons**

Are they in favour of return of Russian emigrants?

The authorities are watching the outflow with complete indifference; they neither encourage the Russians and members of the other autochthonous ethnic groups of Russia to resettle from the Baltic and CIS countries nor return of emigrants. All categories find it hard to receive Russian citizenship, residence or temporal residence permits. If an emigrant has Russian citizenship he finds it much easier to settle back yet the state does not deem it necessary to help him in any way.

If yes, are there specific profiles that they would favour more than others?

Since ethnic Russians are less discriminated they find it somewhat easier than other ethnic groups to settle. Those who come from other CIS countries preserve certain typical features and traditions of those people among who they were living for a long time. This earmarks them for xenophobia.

What are the main difficulties the emigrants encounter when they want to come back? (administrative, economic, social, etc.)

When coming back to the RF the emigrants encounter a wide range of problems, the main being legalization (acquiring an official status in Russia.) We should bear in mind that even the Russian citizens have to cope with it because the institute of registration at the place of residence has not yet been abolished. No citizen can realize his/her social and civil rights without registration.

Is there any governmental program promoting or supporting the return of emigrants? In what does it consist?

There is no such program. Even deported Russian citizens are not offered temporal domicile and food when they cross the frontier. The authorities merely issue a certificate to confirm that the citizen reached Russia. On several occasions we dealt with people who received only one service from the migration control bodies: they told the new arrivals the address of the public organization the Civic Assistance Committee. In such cases the best we can do is to resettle such people to a more socially oriented country, normally the USA.

## **II. Economic Context—Labour Market**

The contemporary labor market took shape amid economic reforms in Russia and is still open to the negative impact of the socioeconomic crisis of the 1990s that caused decline in industry and agriculture;  
declined workforce demand;  
increased general and registered unemployment.

Between 1990 and 1998 the GDP dropped by 42.5 percent, that caused a decline of the number of gainfully employed from 75.3 to 63.6 million (15.3 percent.)

Industry lost the largest number of workers—the drop of 8.6 million, while the share of industrial workers in the total number of employed in national economy dropped from 30.3 to 22.2 percent. The structural changes that took place in industry in the 1990s caused a sharp decline in the number of employed in the most important science-intensive branches.

In 1990-2000 supply of workforce to the labor market (determined by economic, demographic, migration, educational, sociopsychological and other factors) remained relatively high. Early in the 1990s numerical strength of the able-bodied population did not increase (the minimum of 83.7 million was registered in 1993); by early 2001 its growth resumed to reach 87.3 million. This happened because by that time the relatively small generation born during the war of 1941-1945 retired to be replaced with the generation of the 1980s of an average numerical strength.

This trend will extend to 2003-2005 that will be **the last years** of growing numerical strength of able-bodied population.

Later, after 2005 the generation of the 1990s when the birthrate was low will join the able-bodied population. This will both decrease its numerical strength and its quality since the economically active part of population will age.

### **General labour market situation in the Russian Federation**

Numerical strength of the able-bodied population in Russia is declining; in several years' time this factor will dominate the Russian labor market.

The earlier trend toward greater demand for workforce continued in 2004. According to the majority of experts it will continue four or five years longer. According to various estimates, in 2004 the labor market in Russia has already increased by 20 to 40 percent.

According to ANKOR, in the first six months of 2004 the number of demands for personnel grew by 44 percent against the similar period of 2003. The professional services sector experienced the largest increase (74 percent), followed by industry (62 percent), retail network selling consumer goods in high demand (47 percent), and pharmaceuticals (31 percent.)

The demand for engineers and technicians dropped by 14 percent as compared with 2003; the insurance market experienced the largest drop (29 percent.)

The Population Studies Center at the Institute of Economics, Russian Academy of Sciences, pointed out that the demand for highly skilled engineers had increased; the demand for engineers, technicians, technologists, etc. had also increased. The expert community pointed out that so far the labor market could not meet the demand of employers because the quality of engineering education (secondary specialized education) is lagging behind the demands of industrial growth.

The forecast for the next few years is the following: demand for technicians and marketing people will account for 55 percent of the total; experts in the financial sphere will account for 15 percent of demand; market and PR experts, for 10 percent; administrators, logistics, engineers and technicians, and lawyers, for about 20 percent.

From this it follows that the labor market for people with higher and specialized secondary education is much wider than for manual workers.

Migration affects, to a certain respect, the labor market in Russia—it partially compensates for natural population decline. Today, this role is diminishing (in 1998-2001 migration growth amounted to about 0.1 percent.)

Illegal migrants (there are about 1.5 million of them) produce a much more tangible effect: they are employed in construction, trade, and agriculture.

### **Labour market situation in the main regions of emigration**

In large cities the labor market is large; the situation is especially favorable in Moscow and St. Petersburg. According to the Moscow department of the federal employment service, in the first six months of 2004 the level of registered unemployment in Moscow was merely 0.6 percent.

Nine regions of the RF have problems in the sphere of employment, the Chechen Republic being one of them. There people can find employment mainly in the law-enforcement bodies. The situation in the other North Caucasian republics is equally tense: the level of general and registered unemployment is higher than Russia's average by 1.5-3 times.

The problem of employment is also tense in towns with one large enterprise—about 24 million people live in such towns.

The regional labour market is negatively affected by a massive outflow of able-bodied population from the northern, eastern and Far Eastern territories rich in mineral resources: as a result labor is unevenly distributed across Russia with some regions trying to cope with surplus workforce while other suffering of workforce shortage.

### **What are the work opportunities**

Work opportunities for the emigrants who come back to Russia do not depend solely on the demand for their professions—to a great extent they depend in the group to which repatriates belong. Ethnic Russians find it much easier to get employment than, for example, Chechens who failed to get asylum. It is practically impossible to find work and settle in the Chechen Republic. Locals treat them with suspicion; they are denied registration and jobs; criminal cases are falsified against them (See: Annual Reports of the Memorial Human Rights Center and the Civic Assistance Committee at the [refugee.memo.ru](http://refugee.memo.ru) site.)

Those with high qualifications in the popular spheres have better chances. This is also true of normally discriminated groups of repatriates: in such cases they have to address people with higher than average cultural level. Recently, the situation worsened because of the common fear of terrorist acts and demands of the law-enforcement bodies.

Repatriates could have organized their own businesses in the places where they used to live.

Unfortunately, in Russia small businesses are few and far between. According to statistics they account for merely 11 percent of the total GDP (the share is obviously inadequate for the competitive market sphere.)

Small businesses can be used to improve the living standards and create new jobs; they are especially important in the countryside. Self-employment and various forms of small business able to create new jobs in the agrarian and related economic sectors can decrease social tension.

Main enterprises in the regions of important emigration and what are the professional profiles they most require?

Recently the country has been experiencing certain industrial upsurge, which means that large enterprises need more workers. Quite often, however, they are not offered any type of housing to be used by their families, which accounts for lack of enthusiasm among the repatriates.

The most required professional profiles have been enumerated above. Large cities also need schoolteachers, medics, and drivers.

Jobs and registration are connected—it is hard to obtain registration while some groups of repatriates cannot get registration at all.

The non-formal economic sector plays an important role on the Russian labor market; its scope is assessed at 10-12 million people.

The larger part of migrants is working under informal agreements; they are engaged in construction and maintenance projects, look after ill people and work as child minders, charwomen and domestic help. This is mainly done by women who can also sew clothes for sale at home.

There are many migrants among drivers at official enterprises and private firms. Retail trade is one of the means of earning money.

What are the type of training (short term training 2-6 months) missing regarding the developing sectors needs?<sup>3</sup>

Training in construction and maintenance can be very useful, as well as driving lessons, lessons in hair styling, massage and cosmetology. Basic training in medicine is also required even though salaries in the medical profession are very low—people with basic medical training can hire themselves as private nurses.

Women may find sewing and crocheting courses useful: they will be able to earn while working at home.

Foreign languages, English in the first place, add to the job-seekers competitiveness in the business sector.

Young people should be taught to use high-tech machine-tools.

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<sup>3</sup> We are looking for short term training in Belgium in different domains, such as basic mechanics, wastes treatment, hygiene, medical equipment maintenance, sustainable agriculture techniques, etc. We would like to know what are the needs in the different countries in order to orientate our research.

At the same time no skills are of any use in the regions with official ethnic discrimination where there are direct bans on hiring people registered in the troublesome areas, the Northern Caucasus in the first place.

Which organizations are in charge of job mediation (indicate data)? Which services do they offer?

Official job centres are responsible for employment. They are expected to regularly publish lists of vacancies in each particular region indicating the types of vacancies, their number, the terms, the mode of payment, and available housing.

NGOs receive such lists on request, which is done in many regions.

There are employment centres in all regions with which job-seekers register. It should be said, however, that not all regions are doing their best. Moscow, for example, fails to inform other regions of its vacancies and is slipshod when it comes to finding jobs for job-seekers.

Housing is the main problem—salaries cannot pay for rented housing.

There are also other sources of information: employment firms, newspapers and the Internet. Normally they work with highly skilled locals who have housing.

Are there local governmental economic development programmes? Would it be possible and would there be an interest from the government to integrate returnees<sup>4</sup> start up projects?

There are no such programs in the Russian Federation yet in some regions such programs could be welcome. Eketerinburg with its revived heavy industry might be interested.

Would there be development NGOs interested and willing to integrate returnees' start up projects in their programs or to integrate returnees in small businesses they support?

Yes, those of the NGOs that work with migrants are ready to support returnees. It should be added that such projects should cover not only the returnees (there are few of them) but also migrants coming from the CIS countries for permanent residence and IDPs.

Are there development NGOs that could support returnees' start up projects?

Yes, there are such NGOs, they are listed below.

Are there micro-credit organizations? Could the returnees benefit from their services? What would be the conditions?

There are no micro-credit organizations on the state level. There were two attempts at such activities.

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<sup>4</sup> For simplicity we use the term “returnee” for a migrant who decides to return to his country.



The Danish Refugee Council was engaged in a micro-crediting program for forced migrants. As far as we know their demand for quick repayment, interest on their loans and the small size of loans made the project a failure. The loans were mainly wasted by those who took them and were never repaid; no business projects were started; the loans were treated as material aid. One can presuppose that the fact that the recipients knew next to nothing about small businesses and bookkeeping was partly responsible for the project's failure.

There was a successful project as well. It was organized by a German firm "German-Russian Exchange" together with the Memorial Human Rights Centre tailored to the IDPs from Chechnia living in Ingushetia. The project offered training to all who wanted to start their own small businesses. Normally, people were trained in pairs: the owner who was expected to do real work and a bookkeeper. They were taught how to start a business in the RF and how to keep books. This is very difficult in Russia. After that the pair got a small loan (\$800) as a starting capital. Eighteen out of 20 trained pairs started their enterprises. Two catering firms failed because of strict sanitary rules with which the IDPs failed to comply.

After 18 months a dressmaking shop, a hair-styling salon and a repair shop checked at random were functioning successfully.

This was due to a well-organized training system as well as due to the favourable climate created by the authorities that allowed temporal residents register their enterprises.

We should bear in mind, however, that the recent changes in Ingushetia (destabilization and forced deportation of the IDPs to Chechnia) and the fact that small and medium businesses belonging to Chechens with permanent residence permits in other regions were destroyed say that it would be not easy for the Chechen IDPs to start their small businesses.

### **III. Social Context**

#### **What are the expectations of the community toward the emigrants?**

Since the returning emigrants belong to different social groups and come back for different reasons they are treated differently.

If they come back on their own free will after a long absence with good education and with money they do not depend on the local society and find it easy to blend with it. This is true of Soviet emigrates, their children and of those who come back as employees of foreign firms. They are welcome since, as a rule, they find themselves in a congenial atmosphere of a culturally kindred environment. There were cases of falsified criminal proceedings instituted by the authorities against such people and even tortures in places of detention.

If repatriates have to come back because of their failure to fit elsewhere they find themselves dependent on local society. We have in mind Russian speakers from the former Soviet republics. On many occasions local urban and village people in Russia are hostile to them. To a certain respect this happens because the newcomers fail to "meet the expectations" of blending with local society. They are expected to behave in full conformity with the local customs—they failure to do this earn them nicknames "Kirghizes," "Kazakhs," etc. depending on the country they came from. The local people do not like the newcomers' custom of cooking different food, of keeping away

from liquor, of working hard and of earning a lot. Their homes and dress look expensive, etc. There were cases of subversion when repatriates' property, agricultural machines, etc. were burned down. This explains why such people prefer to settle in towns and cities where differences are less obvious. The flow diminished in 2002 when a new law on RF citizenship and the legal status of foreign citizens entered into force.

People who failed to get asylum in other countries comprise a small group of repatriates. They either come on their own free will or are deported. Even though they receive official certificates of Russian citizenship upon arrival and are willingly admitted to the Russian territory they are offered no real support. If they spent several years abroad and have no close relatives in Russia willing to accept them in their homes they find themselves in catastrophic conditions. All of them arrive to one of the Moscow airports where they are persecuted by the militia. Local people treat them with suspicion; they are absolutely powerless in the face of numerous problems. When asked what is expected of them Muscovites answer that they expect them to go away from Moscow immediately. They are beaten up in the streets where they try to sleep at night; they are driven away from entrance halls of apartment blocks where they seek warmth; they are driven away from railway stations and airports, too. Many of them turn into hobos (people without permanent addresses and homes) and eventually die.

More likely than not we are dealing with those who remained in the countries where they sought asylum for a short time. They have no choice but to go back home to the place where their health and life are endangered. The majority of them are Chechens and they have to go back to Chechnia. Russia offers them no other place of settlement. (See: Annual Reports of the Memorial Human Rights Centre and the Civic Assistance Committee, [refugee.memo.ru](http://refugee.memo.ru).)

People in Chechnia are living in constant fear of new catastrophes: abductions are as frequent as before; executions without court trials and tortures are going on; the level of arbitrariness of the Russian military and the Kadyrovs has not decreased. Local authorities are treating with suspicion all those who came back on the ground that such people might be members of illegal armed groups. At home repatriates face a dual danger of being accused of banditry and terrorism and of being robbed if suspected of having anything valuable.

#### What is the situation regarding lodging, education and access to health care in general in the Russian Federation (access and quality)?

Housing is one of the gravest problems in Russia. Today when the state refused to shoulder responsibility for it people find it hard to obtain housing. In an absence of municipal (social) housing and temporal lodging system people find themselves in the street in the direct sense of the word.

People have to wait for decades for municipal housing; the mortgage system is still undeveloped. In every region only local people that have lived there for a long time have a chance (though slim) to get housing. Despite several court rulings the Moscow authorities insist that only those who have lived in Moscow for no less than 10 years and are registered there can register for new flats.

Today, flats are distributed according to the norm of 12 sq m per person. Repatriates with the official status of forced migrants are settled in places unsuitable for human habitation: after a couple of years they fall apart.

The returnees have no hopes of getting state or municipal housing.

Pensions are small while medical services are of poor quality; both are limited to those who have local registration. This is common practice even though the Supreme Court (SC) of the RF annulled it as illegal. Its decisions are ignored. Old people are left without pensions or get minimal pensions of about \$25 per month with no additions from the local budgets.

Medical aid is offered to those who have local registration and insurance; all other are offered medical care in extreme cases. Those brought by ambulances are kept in hospitals for three days only. It should be said that on many occasions doctors ignore these instructions yet they risk their salaries (they are not paid for additional work load and are even fined.)

The majority of the local population cannot afford paid medical services—the prices are too high compared with average incomes.

Under the RF Constitution school education is compulsory and should be offered to all children living in Russia. Local authorities, however, repeatedly issue orders not to enrol children whose parents are not locally registered. This was practiced in Moscow until 2001; in 2001 the SC of the RF on the application of the Civic Assistance Committee recognized this practice as illegal. The Moscow Department of Education, however, issued an instruction under which school heads had to inform the law-enforcement bodies about parents with no registration. Today, there is an unofficial instruction (at least in Moscow and Petersburg, according to teachers) that the directors should not only inform the militia about pupils from the Northern Caucasus but also let law-enforcement bodies interrogate these pupils at school. Parents are complaining: their children are frightened; they do not know what to say about their parents' and other relatives' occupation or about suspicious activities. They are at a loss how to answer other unacceptable questions. This practice violates the ban on interrogating minors in an absence of their parents and social workers.

### **Is access to these services more difficult for returnees? What are the main difficulties?**

We have already pointed out that registration in place of residence, or rather its absence is the main obstacle together with discrimination against certain groups. As far as we know the returnees are not discriminated against as returnees yet, since they normally belong to the discriminated groups, they feel discrimination.

### **Which organisations ensure psychosocial support to returning emigrants or refugees? What services do they offer?**

Returnees are offered no support.

Refugees without an official status are deprived of official support.

Today, only 625 people in Russia are recognized as refugees; half of the number are former citizens of Afghanistan. About 1200 people were given temporal asylum, the

status that imposes no social obligations on the state. Such people can legalize themselves for the period of twelve months.

Refugees are supported by the Federal Migration Service, its main occupation being receiving applications for the official status and declining them.

Are there organizations working on migration prevention or information regarding migration risks?

The press and TV offer information about the risks. The NGOs engaged in this sphere offer detailed information about immigration laws in the West and a possibility of getting asylum in Western countries. This does not discourage those who can get a visa or cross the border illegally and ask for asylum.

It should be said that on many occasions NGOs, having no other choice, help people get out of Russia. They work together with Russian embassies, migration structures in other countries. Much is done together with the UNHCR within the resettlement program. There were cases when Russian citizens deported from Europe were resettled to the United States to save their lives.

Much is done to protect those who lodge applications to the European Court since the importance of this institute in Russia can be reduced to nought if the applicants are persecuted.

The NGOs actively discourage people from emigration if they have no chances to get an asylum. Such people are explained that the efforts and money they will waste will lead to social exclusion and produce pernicious results.

#### **IV. Actors Inventory**

Here we would like to have a list, though not an exhaustive one), of different actors that have or would have some links to an assisted voluntary return project:

Governmental bodies in charge of:

##### Migration issues

The Federal Migration Service, its regional structures, the Ministry of Health and Social Support and its structures, as well as local administrations;

##### Labour, and labour mediation

The Ministry of Health and Social Support and its structures, local administrations in certain regions, employment centers, private firms. They can be contacted through the NGOs listed below;

##### Welfare

Only NGOs;

##### Development ( and especially local development)

Local administrations and heads of large enterprises (it should be said, however, that returnees will hardly be attracted by this prospect. Only the repatriates from the CIS countries may find this alternative attractive. Those who come back on their own free will can support themselves while those who asked for asylum because of ethnic

persecutions will hardly risk going to unknown places to face hostile environment. Local authorities are unwilling to offer jobs to such people);

Vocational training

Only NGOs;

Local NGOs or associations working in:

Psychosocial support

Development

Micro-credit

A list of Russian NGOs that could take part in the program can be found below. They are not engaged in micro-crediting but are prepared to help realize such project.

International NGOs working in:

Migration issues

DRS, MSF

Micro-credit

German-Russian Exchange; DRS worked in the past.

[NB. We are not expecting an exhaustive list, but it is important to show that there exist certain possibilities through which the programme could be sustained

\*To compile this document we used "Proceedings of the Institute of Transitory Economy" (No. 61P), Conception of Actions on the Labour Market for 2003-2005 endorsed by a decision of the RF Government of 6 May 2003 (No. 568-p), information supplied by the Russian Personnel Company ANKOR, relevant Internet sites, and materials of the Federal Migration Service and the State Committee for Statistics.

	City	Address	
Possible interests			
1	<b>Astrakhan; Astrakhan Region</b>	Joint-Stock Society of forced migrants "Sunzha"	Astrakhan, Moskovskaia St., 63 Tels: (8512) 25-82-52 Fax: (8512) 25-82-52 e-mail: tjarova @inbox.ru
2	<b>Belgorod, Belgorod Region</b>	Regional public organization "Kovcheg"	308001, Belgorod, Nagornaia St., 2, Tels: (0722)33-90-33 Fax: (0722)33-90-33 e-mail: memorial@bel.ru v_n_popov@chat.ru
3	<b>Borisoglebsk, Voronezh Region</b>	Non-commercial organization "Pravozashchitnik"	Voronezh Region, Borisoglebsk, Narodnaia St, 70a Tels: (07354)6-33-85 e-mail: iolant@icmail.ru
4	<b>Briansk, Brainsk Region</b>	Center of legal aid, Migration Rights Network, "Memorial" Human Rights Center	241011, Briansk, Oktiabr'skaia St., 16 Tels: (0832) 75-32-44 , (0832)66-18-13 Fax: (0832) 75-32-44

- |    |                                            |                                                                                                 |                                                                                                                                                                                                                                                                                                                                           |                                    |
|----|--------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|    |                                            |                                                                                                 | e-mail:<br>polyakov@bezhency.brya<br>nsk.ru                                                                                                                                                                                                                                                                                               |                                    |
| 5  | <b>Vladimir,<br/>Vladimir Region</b>       | Vladimir Regional<br>Organization of<br>Refugees and<br>Forced Migrants<br>"Sodeystvie"         | 600020, Vladimir,<br>Lunacharskogo St., 3,<br>Красный корпус (Red<br>Block), office 90<br>Tel.: (0922)33-31-63<br>e-mail:<br>mv@protect.elcom.ru                                                                                                                                                                                          | Psychosocial<br>support; legal aid |
| 6  | <b>Volgograd,<br/>Volgograd<br/>Region</b> | Regional Public<br>Organization of<br>Forced Migrants<br>"Komitet<br>nadezhdy"                  | 400074, Volgograd,<br>Barrikadnaia St., 19<br>Tels.: (8442)33-48-39,<br>(8442)97-33-75<br>Fax: (8442)33-48-39<br>e-mail:<br>nadezhda@interdacom.ru<br><br>,<br>nadezhda@advent.avtlg.r<br>u                                                                                                                                               | Psychosocial<br>support; legal aid |
| 7  | <b>Vologda,<br/>Vologda Region</b>         | Vologda Regional<br>Branch of Human<br>Rights Center<br>"Memorial" of<br>Russia                 | 160001, Vologda,<br>Cheliuskintsev St., 3,<br>office 7<br>Tel.: (8172)72-01-72<br>Fax: (8172)25-39-25<br>e-mail: lvshta@vologda.ru                                                                                                                                                                                                        | Psychosocial<br>support; legal aid |
| 8  | <b>Voronezh,<br/>Voronezh Region</b>       | Voronezh City<br>"Memorial"<br>Organization                                                     | Voronezh,<br>Nikitinskaia St., 19,<br>apartment 13<br>2. Public reception<br>office (PRO)<br>Voronezh, Tsuriupy<br>St., 34, office 307. 3.<br>Public Organization<br>"Grozny": Engels St.,<br>5<br>Tels.: (0732)52-04-<br>66,<br>PRO (0732) 52-14-<br>01, "Grozny"<br>(0732)52-74-68<br>Fax: (0732)52-04-66<br>e-mail:<br>memory@comch.ru | Psychosocial<br>support; legal aid |
| 9  | <b>Grozny, Chechen<br/>Republic</b>        | Legal Aid office of<br>the Migration<br>Rights Network and<br>"Memorial" Human<br>Rights Center | 364000, Grozny,<br>Maiakovskogo St., 84<br>Tel.: (8712) 22-21-87, or<br>through the Nazran office<br>e-mail:<br>Sindi777@yandex.ru                                                                                                                                                                                                        | Psychosocial<br>support; legal aid |
| 10 | <b>Gudermes,<br/>Chechen</b>               | Legal Aid Office of<br>the Migration Right                                                      | 366900, CR, Gudermes,<br>Zheleznodorozhnaia                                                                                                                                                                                                                                                                                               | Psychosocial<br>support; legal aid |

	<b>Republic</b>	Network and the "Memorial Human Rights Center	St.10/4 Tel.: (87152)-2-2272 Fax: (87152) -2-2272 e-mail: ruslisozidanie@yandex.ru , ruslan@gdf.ru addressed to Lilia Iusupova	
11	<b>Ekaterinburg, Sverdlovskaja Region</b>	Human Rights Center "Memorial" (Sverdlovskoe branch)	620014, Ekaterinburg, Lenina St., 23 office 9 Tel.: (343) 358-00-62 during office hours. Fax: (343) 262-89-11 e-mail: ekat-irina@mail.ru , wiwe@nm.ru	Psychosocial support; legal aid
12	<b>Izhevsk, Republic of Udmurtia</b>	Republican Public Organization of Support to Refugees and Forced Migrants "Udmurtskie rodniki"	426023, Izhevsk, Krasnogeroyaskaia St., 18, office 5 of the Migration Service Tel.: (3412) 52-43-36 e-mail: migraciya@udm.ru	Psychosocial support; legal aid
13	<b>Kazan-1; Tatarstan</b>	Tatar Republican (Regional) Organization of the "Red Cross Society of Russia" Public Organization	420015, Kazan, K. Marx St., 51 Tel.: (8432) 36-64-52 Fax: (8432) 36-15-50 e-mail: kalak@mail.ru , yuldash@ipian.kazan.ru	Psychosocial support; legal aid
14	<b>Kazan-2, Tatarstan</b>	Regional Public Fund of Refugees and Forced Migrants "Tatarstan"	Kazan, Kaium Nasyri St., 1/5 Tel.: (8432) 92-48-73 Fax: (8432) 92-14-09 e-mail: fizuli70@mail.ru, kalak@mail.ru, found@bancorp.ru, found2002@mail.ru,	Psychosocial support; legal aid
15	<b>Kaluga, Kaluga Region</b>	Fund of Support to Refugees "Zhizn"	248001, Kaluga, Kirova St., 1, Hotel Kaluga, office 626 Tel.: (0842) 74-90-54 e-mail: migrant@kaluga.ru	Psychosocial support; legal aid
16	<b>Kizliar, Republic of Daghestan</b>	Regional Public Organization of Support to Refugees and Forced Migrants	368830, Republic of Daghestan, Kizliar, Maiakovskogo St., 2. Tel.: (87239) 2-35-86 Fax: (87239) 2-35-86 e-mail: z_kalam@dinet.ru	Psychosocial support; legal aid
17	<b>Kirov, Kirov region</b>	POO "Egida"	610000, Kirov, Engels St., 41 Tels.: (8332)35-81-67,	Psychosocial support; legal aid

- (8332)32-06-85  
e-mail:  
egida@dgc.nnov.ru
- 18 **Krasnodar, Krasnodar Area** Krasnodar Area Public Human Rights Organization "Dobroe Delo" 350003, Krasnodar, Mira St., 29, office 5 (office of the Oktiabrskiy Branch of the Krasnodar Area Collegium of Defense Lawyers)  
Tel.: (8612) 62-49-26  
Fax: (8612) 27-65-44  
e-mail: lcrkrd@kuban.net
- 19 **Lipetsk, Lipetsk Region** ЛОО Lipetsk Human Rights Society 398000, Lipetsk, Sovetskaia St., 66, floor 6, office 606. Tel.: (0742) 22-19-89  
e-mail: lawyer@yandex.ru, garant@lipetsk.ru, sklipetsk@lipetsk.ru with subject stated as "to Guriev"
- 20 **Magnitogorsk, Cheliabinsk Region** МГПОО "Sograzhdane" Magnitogorsk, Kuybusheva St., 20  
Tel.: (3519)23-99-08  
Fax: (3519)34-32-49  
e-mail: alena.kirjarskix@mail.ru
- 21 **Moscow, Moscow Region** Civic Assistance Committee 103030, Moscow, Dolgorukovskaia St.,33, building 6  
Moscow, Sushchevskaja St., 8/12, office 111 (bookkeeping department)  
Tels.: (095)973-54-43, (095)973-54-74, (095)790-74-55, 790-74-56 (bookkeeping department)  
Fax: (095)251-53-19,  
e-mail: sgannush@mtu-net.ru, buhgaltera@mtu.ru (бухгалтерия)
- 22 **Nazran, Ingushetia** Legal aid office, Migration Rights network, "Memorial" Human Rights Center 366720, Nazran, Mutaliev St., 36  
Tel.: (87322)223-49  
Fax: (87322)223-49  
e-mail: moscow@southnet.ru, sam@southnet.ru
- Psychosocial support; legal aid
- Psychosocial support; legal aid
- Psychosocial support; legal aid
- Psychosocial support; legal aid



23	<b>Nalchik, Republic of Kabardino- Balkaria</b>	UNHCR office in Vladikavkaz	memorial_nazran@mail.ru u memorial@southnet.ru 360000, Republic of Kabardino-Balkaria, Nalchik, Pervomayskaia St., 169a, office of the non-commercial charity fund "Pomoshch" (head Shekikhacheva Natella Iosifovna) Tel.: (8662)44-26-26 Fax: (866-2) 44-04-23, (8662)44-26-26 e-mail:	Psychosocial support; legal aid
24	<b>Nizhniy Novgorod, Nizhegorodskaya Region</b>	Nizhny Novgorod Association of Disabled Persons "Pandus"	bjannetta@mail.ru 603001, Nizhniy Novgorod, Rozhdestvenskaia St., 2 Tels.: (8312) 33-83-76, (8312) 30-30-88, (8312) 60-87-68 Fax: (8312) 60-87-68 e-mail: ivlev@mts-nn.ru	Psychosocial support; legal aid
25	<b>Novgorod Velikiy, Novgorod Region</b>	Association of Forced Migrants and Refugees	173000, Novgorod Velikiy, Bol'shaia St. Peterburgskaia St., 24/2 Tels.: (8162)138-268, (81622) 33-179 Fax: (8162)138-268, (81622)71-054 e-mail: deep771@yandex.ru, BRI46@MAIL.RU	Psychosocial support; legal aid
26	<b>Novorossiisk, Krasnodar Area</b>	Novorossiisk Human Rights Committee	353900, Krasnodar Area, Novorossiisk, Mira St., 14/4 Tel.: (8617) 61-10-70 e-mail: almad@mail kubtelecom ru, sp- foundmarina@nvrsk.net	Psychosocial support; legal aid
27	<b>Orenburg, Orenburg Region</b>	Orenburg City Fund of Support to Refugees and Forced Migrants "Pokrov"	460051, Orenburg, 75 linia St., 1 Tel.: (3532)70-79-04 Fax: (3532)70-79-04 e-mail: pokrov2004@mail.ru	Psychosocial support; legal aid
28	<b>Ocher, Perm, Perm Region</b>	Regional Center of Support to Refugees and Forced Migrants "Nadezhda"	617140, Perm Region, Ocher, Sovetskaia St., 26 branch: 614000, Perm, Kuybysheva St., 7 Tels.: (34278) 222-51,	Psychosocial support; legal aid

- (34278) 215-46 ,  
Perm branch (3422) 107-168  
Fax: (34278) 222-51  
(34278) 215-46,  
Perm branch (3422) 107-168  
e-mail: bivp@mail.ru,  
bivp@narod.ru
- 29 **Penza, Penza Region** Penza Association of Refugees and Forced Migrants "Svetoch" 440008, Penza, Kulakova St., 7  
Tels.: (8412)63-03-01, (8412)48-74-40, 44-74-40  
Fax: (8412)63-03-01  
e-mail: svetoch@penza.com.ru  
Psychosocial support; legal aid
- 30 **Piatigorsk, Stavropol Area** Public Charity Organization of Support to Forced Migrants and Refugees "Vera, Nadezhda, Liubov" 357519, Russia, Stavropol Area, Piatigorsk, K. Marx St., 7.  
Tel.: ( 8793) 97 43 24,  
Fax: ( 8793) 97 43 24  
e-mail: vnl@kmv.ru,  
[Http://VNL.Mashuk.Ru](http://VNL.Mashuk.Ru)  
Psychosocial support; legal aid
- 31 **Rostov-on-Don; Rostov Region** ПГОО "Don Migrants Association" 344002, Rostov-on-Don, Oborony St., 24, office 206  
Tel.: (8632) 67-96-55  
Fax: (8632) 53-93-88  
e-mail: sdubinina@aaanet.ru  
Psychosocial support; legal aid
- 32 **St. Petersburg, Leningradskaja Region** Russian Defense Lawyers Human Rights Committee 191011, St. Petersburg, Nab. Reki Fontanki St., 23, 2<sup>nd</sup> floor.  
Tels.: (812)314-28-30, (812)314-10-95  
Fax: (812)314-29-30  
e-mail: oosipova@hotmail.com  
oosipova@comset.net  
RAA@mail.wplus.net  
Psychosocial support; legal aid
- 33 **Saratov, Saratov Region** Saratov Regional Public Fund "Society and Rights" (earlier: Saratov Regional Public Charity Fund of Support to Forced Migrants, Women, and Children "Vozvrashchenie") Saratov, Nekrasova St., 17, office 6, Fund "Society and Rights"  
Tel.: (8452) 23-28- 94  
Fax: (8452) 23-28- 94  
e-mail: bir-zhanna@yandex.ru, new-Janna@yandex.ru, rtn-elena@yandex.ru  
Psychosocial support; legal aid

34	<b>Smolensk, Smolensk Region</b>	Smolensk City Council of the Veterans of Labor and Armed Forces	214000, Smolensk, Oktiabr'skoy revolutsii St.,4 Tels.: (08122)3-23-19, (0812)52-02-00 Fax: (0812)52-02-00 e-mail: abm-947@sci.smolensk.ru	Psychosocial support; legal aid
35	<b>Stavropol, Stavropol Area</b>	Public Human Rights Organization of Migrants and Refugees "Statut"	355006, Stavropol, K. Marx St., 60 Tel.: (8652) 26-8032. Fax: (8652) 26-8032. e-mail: statut@avn.skiftel.ru	Psychosocial support; legal aid
36	<b>Tambov, Tambov Region</b>	Human Rights Committee at the Tambov Mayor's Office	392000, Tambov, Sovetskaia St., 182, office 16 Tel.: (0752)55-63-11, Fax: (0752)55-63-11 e-mail: vash@pub.tmb.ru	Psychosocial support; legal aid
37	<b>Ufa, Bashkortostan</b>	Bashkirian Republican Society of Refugees and Forced Migrants	450009, Ufa, Komsomol'skaia St., 37 Tel.: (3472) 37-92-96 Fax: (3472) 37-37-12 , (3472) 788-157 e-mail: ufaer@mail.ru, rmusaeva@mail.ru	Psychosocial support; legal aid
38	<b>Khasaviurt, Daghestan</b>	Daghestanian Regional Charity Fund "SOS-Spasenie"	Daghestan, Khasaviurt, Musaiasupa St., 40 Tel.: (872310)43-21 e-mail: jovta@rambler.ru	Psychosocial support; legal aid
39	<b>Cheboksary, Republic of Chuvashia</b>	Human Rights Committee of the Republic of Chuvashia	428027, Cheboksary, Khuzangaia St., 14 office 201 Tels.: (8352)55-05-34, (8352)42-47-88 Fax: (8352)55-05-34, (8352)42-47-88 e-mail: ayven@chebnet.com	Psychosocial support; legal aid
40	<b>Shakhty, Rostov Region</b>	PFOO "Don Migrant Association"	Shakhty, Cherenkova pereulok, 17 Shakhty Legal Aid Office Tels.: (86362) 2-50-17, (86362) 2-58-61	Psychosocial support; legal aid

## **V. Suggestions regarding the operational implementation of an assisted voluntary return programme in the Russian Federation**

1. It is necessary for the Western NGOs to monitor the procedure of granting asylum to citizens of Russia. If possible they should become involved in the process by extending legal support.

2. It is highly desirable to contact Russian NGOs to check information supplied by the asylum-seekers. This is done by the migration structures of Belgium, Germany and some other countries. This will help avoid unjustified deportations. Without this cooperation the project will fail.
3. The Russian NGOs should be warned in advance about deportations, about the place the deported person would like to go, his/her potential housing and employment in Russia and the documents they have.
4. On their side the Russian NGOs are prepared to continue verifying supplied information, assess it and supply their opinion about the desirability of granting asylum to any given family or a person and about a possibility of their safety in Russia. The Russian NGOs are prepared to investigate possibilities of return, maintain contacts with the employment structures, select best possible employment variants to be offered to the deported.
5. The Russian NGOs are prepared to supply their recommendations on training courses to be offered to the returnees to make them employable so that they can find housing, at least for the initial period.
6. The Russian NGOs are prepared to meet the returnees and, if money is available, place them in cheap hotels for the initial period. They are also prepared to try to avert persecutions by the militia.
7. The Russian NGOs are prepared to help the returnees start their own businesses or find employment, extend legal aid and maintain contacts to help resolve other problems.
8. The Russian NGOs do not exclude a possibility of their application to the relevant authorities that passed a decision on deportation with a request to annul their decision and offer an entry visa.

## Section 2c

### **Policy perspectives on good practice relating to refugee returns from Greece by the Greek Council for Refugees**

#### **VOLUNTARY RETURN FROM GREECE**

This paper sets out the findings from the consultation exercises between the Greek Council for Refugees and refugee community organisations (RCOs) on voluntary returns.

The conclusions have come out of the feedback from RCOs to questionnaires, the recommendations and issues that RCOs made during the meetings, and which were summarized at the final evaluation meeting.

The main conclusions and recommendations are:

Return policies would have to respond to a number of prerequisites, covering a very wide range of areas. These areas should include:

- Genuine security in the countries of origin

Security, for the purposes of return, does not only cover formal security (i.e. the existence of basic State functions and habeas corpus) but also practical measures. For example, security includes the opportunity to engage in economic activities, and the ability to raise a family and provide them with their basic needs (for instance, an education and a serene social environment).

The example of Afghanistan was viewed as paradigmatic of the differing perceptions as to security. Many governments of countries in the E.U. consider that return to Afghanistan is now feasible and desirable, since they believe that the Afghanistan is stable and that no persecution, as set out in article 1A2 of the 1951 Geneva Convention, is taking place. Yet Afghan refugees consider that the conditions in the country remain highly preoccupying and do not provide the necessary guarantees for a safe and decent return.

- Full and accurate information as to the real situation in the country of origin
- An understanding of the trauma of exile and of return

Many refugees are likely to be vulnerable persons who have already suffered trauma when fleeing their country of origin. A further deracination shock caused by being obliged, one way or another, to leave the country they fled to and return to their country of origin could be unbearable for them.

- An option of maintaining, for a limited period, the right to resume their refugee status

Returnees from Europe are often considered wealthy by the local population and become easy prey to all kinds of criminal groups. Hence, if the conditions that returnees find in the country of origin do not meet their expectations, there should be an option of resuming life with refugee status back in the country of asylum.

- Policies to support the reintegration of returnees

There is a need for social, economic and political re-integration policies in the country of origin, so that the requirements of people returning can be met. For example, these policies would need to provide for housing and for the well being of children. This is particularly significant for refugees born or raised in the country of protection, and for whom return might mean breaking strong ties with the country they grew up in.

- Elimination of coercion in voluntary return

Voluntary return should exclude any form of psychological pressure to return. Such pressure, felt to be quite frequent in Greece, includes keeping refugees in the host country under perpetual legal uncertainty as to their status, stay and rights in the country of asylum.

Other detailed proposals from some RCOs are that there should be:

- legal guarantees for the return of property that has been confiscated or otherwise seized
  - facilitation of the issuing of travel documents
  - general assistance in organizing the return trip
  - a long-term assurance from the international community that it will implement the reforms promised for the country of return, and monitor developments.
- Continuing international interest in the country of origin is essential for engendering confidence in voluntary return. Many refugees feel that their country will be abandoned once the oppressive regime falls, and they will hesitate to return unless they know that the international community continues taking a genuine interest in that country.

Some of the participants reported the experiences of people they know who had returned to their countries of origin from Greece. And these accounts illustrate the importance and validity of the issues identified above.

In Greece there is little provision or funding for voluntary return. IOM receive some state funds to cover the return of a limited number of people but there is no official planning in Greece for voluntary return. So far there has been no additional assistance or support prior to or after return for returnees. People returning have often had to arrange their return and cover all expenses themselves.

All of the known returnees were either asylum seekers whose decision on their claims for asylum had been pending for years, or else rejected asylum seekers from Iraq and Afghanistan.

From what they had been told about the developments in their countries of origin they had expected to find a safe and secure environment. However their expectations were not true.

Most of them had decided to return as they had found no other way to be reunited with their spouses and children. Given these conditions, RCOs held that it could hardly be considered that their decision to return was truly free.

One of the people who returned was kidnapped and held for ransom. After his release he had to move to an area away from the region he came from. Another returnee was killed just a week after his return. Others could not find their houses and properties, and found that they did not have anybody to turn to for assistance.

## **Section 2 d**

### **Policy perspectives on good practice relating to refugee returns from Italy by the Italian Council for Refugees.**

#### **I. VOLUNTARY RETURN: THE ITALIAN SITUATION**

##### **Italian legislation on return programmes**

The Bossi–Fini law (nr. 189/2002) on asylum and immigration allows for the setting up of a “central information, promotion, counselling, monitoring and technical support service aimed at local bodies assisting in the reception of asylum seekers and in the protection of refugees”. This service, entrusted by the regulation to the National Association of Italian Municipalities, is carried out in collaboration with the International Organisation for Migration (IOM). According to article 32 of the above law, this service can promote and carry out return programs of asylum seekers and refugees through IOM and humanitarian national and international organisations.

At present IOM runs the only assisted voluntary return programme existing in Italy. It is open to all asylum seekers, persons holding a permit to stay for humanitarian reasons and refugees wishing to voluntarily repatriate. IOM is responsible for all operational arrangements such as counselling services, assistance in obtaining identity papers and travel documents, making travel arrangements and covering expenses sustained during the trip. There is an allowance to fund sustainable socio-economic reinsertion in the country of origin.

##### **Project activities in Italy**

The Italian Council for Refugees carries out capacity building activities with refugee communities so as to enable them to play a more active role in the Italian and European asylum debate and in discussions on voluntary return, protection, reception and integration of refugees in the country of asylum.

CIR has worked on these issues with the communities of refugees from Eritrea, Ethiopia and Somalia, analysing their peculiar needs with regard to repatriation. Unfortunately, in Italy there aren't any sole officially recognised Eritrean, Ethiopian or Somali refugee communities. Therefore, CIR worked in close contact with Eritrean and Ethiopian self-managed refugee groups and with the following Somali associations: Associazione Culturale Somala (Rome), Comitato degli Anziani Somali del Benadir and Centro Culturale della Comunità Somala di Milano (Milan), Federazione delle Associazioni delle Comunità Somale (Firenze), Donne Somale del Centro Interculturale delle Donne Alma Mater (Turin). The meetings and the interviews held with the communities enabled CIR to have a clearer picture about the conditions which make return feasible for refugees and to gain a deeper knowledge about refugees' real needs throughout all phases of the return. These findings are useful tools for the elaboration of plans for return that can be carried out with regard to the security and the respect of human dignity.

The Italian Council for Refugees carried out the project in towns where the greater number of refugees coming from Eritrea, Ethiopia and Somalia have settled. From



January 2004 to March 2005 ten information and thirteen consultation seminars were delivered in Rome, Florence, Milan, Bari, Brindisi and Turin. The information seminars involved 158 people and 213 people took part to the consultation seminars. Since most participants didn't know about the current IOM voluntary return programs, CIR handed out leaflets published by IOM and provided their translation in Somali, Amharic and Tigrin and ECRE's position on voluntary return.

Discussions focused on EU developments in the field of return (readmission agreements, EU Commission's Green Paper on community return policy on illegal residents, etc.) and on how these developments can affect national policies. During the above-mentioned meetings the necessity to adopt clear and common policy and uniform practice of voluntary repatriation in all EU member states was stressed. It was emphasised how EU common rules could limit the power of single states to promote repatriation, in particular when not all conditions for return are fulfilled.

Refugees criticised the UK authorities who have recently forcibly repatriated some Somali rejected asylum seekers, even though the majority of EU states recognised that the political situation in Somalia is still unstable and that the provisional government is itself still in exile. Furthermore, a common return policy could avoid the secondary movement of refugees who are often obliged to return to their homeland and flee again for security reasons.

Debates also focused on the conditions that must be fulfilled for return to be sustainable both in the country of origin and in the country of asylum and on responsibilities and duties of all parties who are concerned: the two countries, IOM, UNHCR and other organisations including refugee communities/groups. Return programs run in the past were strongly criticised by participants, who had been directly involved in repatriation from Sudan to Eritrea, where they were then obliged to flee again for security reasons.

Consultations also underlined the extreme difficulty for Eritrean and Ethiopian refugees to organise themselves into official associations. A duly registered community is an essential requirement for any project involving a great number of refugees, since governments and authorities of the country of asylum will only interact with representatives who are generally recognised by their communities and who can act as stakeholders.

The lack of funds is one of the main reasons which prevent refugees to organise their associations; financial aid from the Italian authorities is considered essential in order to allow the creation of the necessary conditions to build up a community. Financial support would enable refugees to integrate in Italy and would allow them to actively participate in projects such as voluntary return.

In addition to these substantial difficulties, there is also a widely held fear among refugee that participation in any kind of initiative will engender negative consequences for themselves and their families. This is the main cause of the inability to organise themselves into a community and needs to be dealt with. Given this situation, it is very difficult to then designate the spokesmen for the community. A clear example is found in the Somali community, which is made up of several groups and reflects the extreme fragmentation of its population.

Setting up an independent co-ordinating organisation for each refugee community would probably be extremely useful in ensuring adequate representation for all the groups which make up the community.

## II. VOLUNTARY RETURN PROGRAMME

What does "voluntary return" mean?

ECRE provides a description that we can all share:

*"Repatriation can only be classified as voluntary when:*

- *An individual with a legal basis for remaining in a third country has made an informed choice and has freely consented to repatriate to their country of origin or habitual residence; and*
- *Has given their genuine, individual consent, without pressure of any kind; when such consent is elicited as a result of a lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation; and*
- *The legal and procedural safeguards listed below have been fully respected."*<sup>5</sup>

Refugees agreed that these requirements should be met, together with the essential need of ensuring that all aspects of security, as set out by UNHCR in the following definitions<sup>6</sup> should be met:

**PHYSICAL SAFETY:** lack of violence and intimidation; re-establishment of police, judiciary and human rights agencies; absence of mines;

**LEGAL SAFETY:** actions taken towards the restoration of an independent judiciary system; legislation which eases the repatriation process; amnesty, update of archive and documentation (civil status and recognition of citizenship and the rights which it implies, compensation for property left behind).

**MATERIAL SAFETY:** non-discriminatory access to basic services and access to employment opportunities; promotion of economic self-reliance and income-generating activities.

**RECONCILIATION:** promotion of equity between returnees and local residents.; creation of programmes which could support reconciliation between the two groups.

Participants in all seminars strongly stressed that safety should be assured during all phases of a return programme. All three communities, but especially Somalis, emphasised that a political agreement between the parties in conflict is not sufficient grounds by itself to launch a repatriation programme. In their opinion the political system must be accompanied by a strong judicial control and policing. In addition,

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<sup>5</sup> ECRE (2003), *Position on return*, P01/10/2003/Ext/MP, p.4.

<sup>6</sup> UNHCR (2004), *Handbook for Repatriation and Reintegration Activities*, Geneva, Module 1, p. 8.

participants accused states and UN organisations of enforcing welfare dependency upon refugees who find themselves very often “parked” in some isolated areas in the country of origin, far away from water source or job opportunities. It was stressed that training should take into account the job opportunities in the countries of origin. A return programme, in fact, should always be linked with a reconstruction and development policy so that it really ensures the material security and dignity of returnees.

Participants stressed the importance of reliable, detailed information on the real situation of the country. They highlighted the need to verify that a decision to return was a voluntary one: free from any influence by governments, associations, individuals and from pressure due to miserable living conditions in the country of asylum.

All of three communities in Italy considered that the necessary preconditions for a safe and sustainable repatriation to their countries include:

- the existence of security conditions which can guarantee the well-being of returnees in the areas of return; e.g. in Somali a high incidence rate of kidnapping has been registered and there is a need to disarm militias;
- support for returnees and their families, such as setting up of income generating activities, which would enable them to reintegrate;
- an effective guarantee which would allow returnees to return to the European country of asylum if their home countries were to become insecure and unstable.

### **Recommendations**

- The country of asylum should enable refugees who return to freely enter and exit the country of asylum without limitations. This would reassure returnees that, should the return programme prove to be unsuccessful (for example, due to security reasons), they will be able to resettle once more in the country of asylum.

- Special attention should be given to making communication and travelling to and from the asylum country easier in cases where not all members of a family decide to resettle in the home country. For instance, the children of refugees, who have never lived in their home country and do not speak its language, may decide to remain in the country of asylum rather than follow their families and return. Similarly women who have worked in the country of asylum may decide not to return because in their home country they would be forbidden to work by the law or vigorously enforced social mores.
- Specific attention should be given to setting up a Women’s Committee to look at the specific needs of women.

### **III. PHASES OF A VOLUNTARY RETURN PROGRAMME**

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1. DATA COLLECTION AND PREPARATION
  2. RETURN AGREEMENT
  3. RETURN PROCESS
  4. REINTERGRATION



#### FOREWORD

Participants emphasised the necessity that representatives, officially recognised by their communities, participate in all phases of an assisted voluntary return programme: in the political agreement, in planning and implementing and, especially, in the monitoring phase.

Monitoring in the country of origin is extremely important to stop returns proceeding when conditions for return were no longer being met. Effective monitoring might also prevent secondary movement.

It was also emphasised how important it is to relate training and employment support for returnees to the economic conditions and the actual possibilities of employment found in the country of origin. Participants stressed that every repatriation programme to their countries of origin should include a suitable development policy for that country.

In Italy there are few functioning immigrant communities and they are not representative of refugee interests. During the information and consultative seminars, the need to build refugee communities, or at least create strong refugee groups, was emphasised. This would allow their leaders to play a more active role in advocacy and lobbying activities. As a consequence of these seminars, discussions

focused on how to establish refugee communities and on how they could be representative of refugee interests. Furthermore, it was discussed how the communities and groups could co-operate with the other similar communities in Italy and across Europe, as well as with Italian and European private sector and public Institutions. Such developments hold out the prospect of stronger advocacy and lobby activities by refugee communities and refugee assisting NGOs, so that refugees could be better supported in obtaining protection and in tackling the hard living conditions refugees encounter in Italy.

### **Recommendation**

- A fund to finance the establishment of refugee community organisations in the country of asylum would assist programmes such as the voluntary return and would also improve the dialogue between the host country and refugees. Refugees suggested the creation of national refugee councils and of a refugee council at European level which would co-ordinate the activities at national level.

### **1. DATA COLLECTION AND PREPARATION**

Refugees stated that they could play an important role in preparing people for return and providing them with information that needs to be impartial and objective. It was stressed how important it is to assess the real situation prevailing in all parts of the country of origin and to gather information on the identified categories of potential returnees in order to verify if they can safely return home. There is a risk that information is not independent due to interests of the States or some of the refugee communities involved, as they may be related to the consular authorities.

The pre-departure phase should include analytical research which highlights the composition of the refugee community in order to assess their socio-economic, cultural and religious backgrounds, the areas they come from and their absorption capacities, the specific needs of vulnerable groups and all other elements which can ensure adequate planning.

The evaluation on the socio-economic and cultural impact of the reinsertion of returnees would be informed by consultation with refugees and local residents in the areas where refugees are intended to settle.

The evaluation for "sustainable return" should take into consideration:

- the ethnic, linguistic and religious characteristics and differences;
- the concerns of vulnerable groups;

- the presence of armed parties;
- the conditions in destination areas, taking into account refugees' preferences;
- the absorption capacity of local communities and their economies;
- the conditions that women encounter in the country of origin, where these could put at risk their physical and material safety (e.g. countries where there is stoning of unmarried women with children, or where victims of rape are isolated by society even if no law explicitly promotes such practices).

This approach means that return plans can be based on the specific needs of each different group and on the infrastructure existing in the country of origin and the conditions in the local communities. For example, the Somali community consider it to be essential that there is contact with the clans living in the territories where returns will take place in order to discuss the disarmament of armed groups and to tackle kidnapping.

Once the groups of refugees for return have been identified, it becomes necessary to give the communities' representatives the chance to talk with the local authorities of the country of origin and eventually start "go and visits". If these visits were to put at risk the legal status of refugees (by travelling back to their country of origin), then former refugees, who had acquired citizenship in the country of asylum, and who know both the reality of the asylum and origin countries, could usefully participate.

The final step of the pre-departure phase is the information campaign. The campaign should take into consideration the needs of the different categories of refugees (identified in the research document) and inform them about the whole repatriation process, the existing political situation in the country of origin and the assistance they would receive during the different phases.

### **Recommendation**

- The above-mentioned research is considered the basis for an adequate and sustainable return program.
- Communities emphasised the special needs of the most vulnerable groups, particularly with regard to the infrastructure on the country of origin (e.g. the elderly and the sick would need to live not too far away from hospitals).

## 2. RETURN AGREEMENT

The method of the tripartite commission (composed of the country of origin, the country of asylum and UNHCR) has proved to be a good way to reach an agreement on voluntary repatriation. However, refugees do not consider it to be completely satisfactory, as the communities affected by return programs only get information through the UNHCR, which liaises with them and presents their feedback during the negotiations.

*RCOs do not think that this indirect participation safeguards adequately their interests. In many cases they felt they were just an "exchange-good" between the countries of asylum and of origin. Due to the previous negative experiences (e.g.*

*repatriation of Eritreans from Sudan, 2001-2002) the communities ask to be involved in negotiations and to play a consultative and in a decision-making role.*

Refugee communities do not want to play a marginal role, such as only providing information and assistance, but ask to play a central role throughout the whole repatriation process, in particular, during the critical phase of drawing up return agreements. Repatriation will take place only when democracy and physical, material and legal safety are guaranteed.

Refugee communities complained about the lack of guarantees provided by return agreements which do not take into account the real situation of the country of origin, as far as security and stability are concerned. Communities also expressed doubts regarding UNHCR: its role as a mediator between the country of asylum and the country of origin has often prevented it from playing a neutral role in the process. Some Eritreans expressed anger with UNHCR due to the fact that they had been advised to return from Sudan to Eritrea although their physical and material security was not effectively ensured as had been promised and, for this reason, were obliged to flee again. Eritrean refugees pointed out that UNHCR in its position on repatriation to Eritrea issued in January 2004 recognised that the political situation in Eritrea does not guarantee protection to all returnees but only to certain categories.

Although the authority of UNHCR is generally recognised, refugees request a more active involvement in the development and implementation of the repatriation process during all its phases, but especially during negotiations with all parties concerned.

The three communities agree with UNHCR's on the core protection elements which must be included in any acceptable return agreement <sup>7</sup>:

- a guarantee of an independent body's free and unhindered access to all returnees (both in the country of asylum and of origin) and free access for returnees to contact this independent body (UNHCR or other)
- refugees' access to all information available on the advisability and feasibility of repatriation under current conditions
- adequate safeguards on the voluntary character of the repatriation
- the safety and dignity of returnees
- assurances of non-discriminatory treatment on return, including the right of citizenship for children born abroad

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<sup>7</sup> UNHCR, *Voluntary Repatriation: International Protection*, Geneva 1996, cap. 3, paragraph 6.

- assurance of no interference in refugees' free choice of destination and place of residence in their home country
- freedom of movement
- exemption from taxes on returnees' property
- recognition of the responsibility of the country of origin to inform the independent body (UNHCR or other) about each case of arrest, detention or legal proceedings involving returnees and to provide it with the relevant legal documentation on those cases, as well as granting free access to returnees in detention centres, prisons, etc.
- A voluntary return plan should also ensure that the following issues are considered:
- measures to ensure family unity
- measures to facilitate advance visits by refugees to the country of origin
- the role of an independent organisation in the registration for voluntary return and in the information campaign
- agreements to reduce to a minimum border procedures
- legal recognition of changes in refugees' personal status which occurred abroad (such as births, marriages, etc)
- legal recognition of school, training certificates or diplomas obtained abroad
- particular attention to the personal security of refugee women
- mechanisms for recovery/compensation for property left behind by refugees
- the involvement of local NGOs

### **Recommendation**

- Even if generally in favour of the measures mentioned above, due to the previous failure of return programs, the three communities in Italy ask for the participation of their representatives in the negotiations to draw up the agreements. They also ask to be able to establish a direct communication channel with the local territorial councils in the country of origin.
- In their opinion, a return agreement should also include a provision for sanctions to be adopted towards states of origin that do not respect clauses of the return agreement.



- The communities of Eritrea, Ethiopia and Somalia are in favour of voluntary repatriation only when minimum requirements are met, such as the respect of the country of origin for fundamental human, social and economic rights, a declaration of an amnesty, a functioning independent judiciary authority and an effective police force; and, a guarantee that repatriation will not take place to economically-depressed areas which are unable to provide acceptable living conditions.
- RCOs request that returnees be entitled to a privileged relationship with the country of asylum compared to other migrants, since leaving the asylum country is like a second flight into the unknown. They should have the right to return, with appropriate documentation during the first year, and should have a special registration with the consulate. It was suggested that there should be the option of a special travel document issued by the European countries which would allow them to leave the country of origin and re-enter the country of asylum in case the home country becomes unstable again.

### **3. RETURN PROCESS**

Refugees are extremely willing to take part in the planning, counselling, preparation and logistic phase of return and in the final monitoring stage.

### **4. REINTEGRATION**

Reintegration is the phase which requires closer interaction among all stakeholders. The government of the country of origin has to co-operate with development organisations, returnees and local communities in order to plan an integrated approach which can lead to sustainable recovery and avoid "back flows".

Refugees communities/groups complained that there is a high probability that promises will not be lived up to and that once repatriated they will be left to fend for themselves or placed in large camps in depressed areas without any access to services or the possibility of becoming self-sufficient. For example, the Eritrean community denounced the extreme lack of information the returnees from Sudan found once they arrived in Eritrea and the fact that they were left alone in a economically depressed area where armed groups were constantly threatening their lives. In short, the program failed in the planning of the reintegration process.

#### **Recommendation**

- Repatriation programs should research the professional and working background of the returnees and analyse the existing and potential resources and economic

activities in the country of origin. Once these factors have been taken into consideration, an effective repatriation program can be planned and carried out. It could strengthen already existing economic activities and introduce new ones in accordance with the qualifications and new human resources represented by the returnees. The returnees could be trained professionally in accordance with the needs and working opportunities in the country of origin. The professional experience and qualifications already acquired by returnees would be valued, and new activities, consistent with their qualifications, could be funded and developed. Refugees who have acquired specific experience and qualifications will not readily be willing to repatriate where the country of origin does not offer equal opportunities. Qualified refugees could participate in existing developing projects in the country of origin, this being a way to integrate them into the society and to cut down on costs connected with technical assistance.

- In this phase it is advisable to identify and define an independent organisation which can constantly monitor the situation for returnees during the reintegration process and enable them to express their concerns and aspirations. Issues brought up by returnees in this context are crucial to a successful and lasting return.

## **V. CONCLUSIONS**

Participating in a voluntary return program represents an extremely delicate phase in a refugee's life, a life already marked by the tragedy of fleeing from the country of origin. The goal of return programs must always be pursued without forgetting the particular vulnerability of potential returnees who decide to participate in the program in the hope of re-building a life in the country from where they were obliged to flee. CIR noticed a very high interest in return, but also a harsh critic of previous return experiences. The Eritrean, Ethiopian and Somali communities ask for sustainable returns which will never again put at risk refugees lives due to a lack of objective information that creates unrealistic expectations and consequently undermines the voluntariness of the choice.

The main thread running through all the seminars undertaken by CIR has been the need of communities to play a more active role in all phases of the programme, from data collection to the final monitoring activities but especially in the making of the return agreement. The advantages of such participation have already been explained and seem obvious: refugee collaboration to planning guarantees a better match of the program to the needs of returnees.

The seminars underlined the great need for refugees to receive funding and support in order to establish registered refugee associations which would be able to effectively advocate and lobby in the interest of their communities at both a national and an European level.

Organised refugee communities would benefit not only for refugees but also the country of asylum which could more easily enter into dialogue with their representatives. They could know, in detail, the target population and be more aware of the issues they face. This would enable the authorities to adopt policies and legislative measures to facilitate protection, integration, resettlement and repatriation.

A sustainable repatriation programme has to be carried out in safety and dignity and has to be based on a thorough understanding of the ethnic, religious, linguistic and political background of the refugee population and of the needs of vulnerable groups.

Refugee communities wish to see the creation of an independent body that is really capable of monitoring all phases of repatriation both in the country of asylum and the country of origin. The staff members of this body, including returnee representatives would work under international protection and with no external influences.

### **EVALUATION STATEMENT**

The Italian Refugee Council together with RCO's consider the results of the project fully satisfactory. It has raised the awareness among refugees about the role they can play in Italy in the asylum debate and in the constituting of their own lobbying network.

The theme of return has been a difficult topic to approach, since refugees feared that they were planning for their own return and were therefore afraid of collaborating with CIR and RCOs. Despite the initial scepticism, the later stages of the project enabled refugees to develop a higher awareness of the need of creating their associations, given that in Italy refugees are not united in official associations due to lack of funds. As evidence of the great impact that the project has had, CIR was asked to support the constituting of both Eritrean and Ethiopian associations. The communities also stressed the need to work in a RCO-wide network in close co-operation with other refugee associations, and also with NGOs working in the field of asylum in order to lobby at national and European level.

Once established these organisations can play a more active role in ensuring and promoting effective protection, integration and the implementation of programmes such as voluntary return in safety and dignity.

CIR welcomes the project and believes that refugee engagement in repatriation programs will be a major step forward in the adoption of a common and uniform practice on voluntary return within the European Union. It was emphasised how EU common rules can limit discriminatory power of single States to promote repatriation, in particular when not all conditions for return are fulfilled. Refugee communities appreciated this project and that for the first time they had the opportunity to discuss their problems and the need to work together in order to better advocate for their rights. CIR hopes that this first step will be used to create further momentum to clear the way for progress on other important issues involving refugees.

## **Section 3**

## Women's perspectives

### **Proposals from a UK conference July 2004; recommendations from a Women's Workshop**

#### **Recommendations**

1. Women and women's RCO's should be a part of the discussion and decision making process in planning voluntary returns programmes, to prevent them from suffering further hardship.
2. Women who are considering returning should be given accurate advice about their rights in the country of origin.
3. For women to be able to return the following rights and facilities should be available to them in the country of origin.
  - a. **Financial security and good employment prospects.** This is because women do not want to go back and be dependent on their families who may or may not be able to afford to support them. Women may have children that they are financially responsible for and will need to be able to provide for them. The job market should be secure and women should be able to compete for jobs on an equal footing with men. Returning to Iraq and Sri Lanka for women depends on a good labour market and cultural change that would advocate equal rights in the labour market for women. Furthermore, women who have been living in the UK for a number of years, have been introduced to and have become used to the idea of the state providing welfare support. Women have become more aware of the welfare support that they can expect from government. Consequently, this level of welfare support needs to be in place in the country of origin to enable them to go voluntarily.
  - b. **Education facilities for women and their children.** To enable women to compete in the job market or continue their studies, they should be able to access good educational facilities in the country of return. Also, the country of origin should be able to provide good educational facilities to secure the future of their children.
  - c. **A safe and secure future for children.** Living in the UK has meant that children of refugees have been able to access good educational facilities and other development activities. They can also take advantage of the opportunities that the labour market can offer them in later life. These opportunities should be present in the country of origin for a secure future.
  - d. **Safety from violence.** In Sri Lanka and Iraq there still exists some violence, discrimination and little state protection, the state itself can be the perpetrator of violence. Women are particularly susceptible to violence, particularly with regard to rape and sexual abuse. Traditionally in both countries, women do not live alone in the home. This is because a family structure exists in both countries that requires women to live with their parents till they are married, then to live with their husbands, and then to live with their adult children during old age. Even in a situation free from conflict,

women cannot live alone because it is socially unacceptable, they will be targeted for crime and violence.

**e. The law in the country of origin should secure the equality of men and women.**

4. If women do not choose to return to their country of origin, they should not be viewed as making a negative decision or be seen as negative people. Often asylum seekers and refugees are viewed as victims, labelling refugees who choose not to return as negative perpetuates the perception and stigma associated with being a victim.
5. There should be incentives and support for women in the country of origin to assist them to return. Organisations should be set up in the country of return that focus specifically on the resettlement needs of women who return and to monitor their situation.
6. Country information provided by the HO should have a gender specific section.
7. The law should protect women activists.
8. Voluntary returns programmes should take into consideration that women who have lived away from the country of origin, have been exposed to other cultures; Lifestyles and ideas. They are not the same psychologically from when they first arrived to the UK, this psychological transition may make returning conceptually difficult.

**Other points made during the workshop**

1. It is easier for men to return to the country of origin because they leave children behind in the UK with the mother and go back and resettle themselves.
2. Promoting freedom of sexuality was not considered culturally appropriate. Freedom of sexuality was not permissible for men or women.
3. It is difficult for some women to return because all family members live in England, there is no family to go back to.
4. Some women stated they would like to go back but the culture of the country they would return to would not be the same country that they came from.
5. There are internal camps in Sri Lanka that do not have basic facilities.
6. Women have had little input into the new constitution in Iraq, most intellectuals from Iraq had either left the country or had been killed.
7. Children of refugees who have been born or brought up in this country consider English to be their language and the UK to be their home. They are English and have little connection with the country of origin so would not want to return or cannot return easily.

## **Section 3b**

### **Women's Perspectives**

#### **Brussels Conference February 2005 Women's Group Recommendations**

- There are unique challenges facing women considering voluntary return. These include family relationships, economic, social status and trying to reconcile traditional cultural values in the country of origin with different cultural values within the country of asylum.
- Refugee women and women RCO's should be actively involved in the process of discussion, decision making and implementation of voluntary return and reintegration.
- Refugee women should have access to accurate advice and information about their rights in connection with voluntary return.
- Specific attention should be given to setting up a women's committee with the intention of looking at the specific needs of women.
- Information on women should be provided in their first language.
- Independent youngsters should be able to choose freely whether or not they would like to voluntarily return to their country with their families, not be forced by any state government or by their parents, especially those who have been in exile for a long period of time, or those that were born in the host country.
- Women returnees should have access to decent financial security, access to good employment and education.
- Women should be able to choose to stay in the host country or return to their country. Safeguards must be applied to women and their children especially in case of domestic violence, trafficking, female genital mutilation (FGM), honour related crimes, victims of rape and torture.
- The law in the country of origin should secure the equality of men and women with regard to internationally agreed conventions, policies and agreements.

## **Section 4**

### **Report from field visits**

This section includes reports from Asylcoördinatie on three field visits that were made from Austria to Afghanistan, to Bosnia and to Kosovo

The reports include case studies and interviews with individuals refugees who had returned'

It also includes a report from VluchtelingenVlaanderen [in Flemish and Russian] about a field visit to the Russian Federation [Moscow]

## Section 4

### **VIEWS FROM FIELD VISITS FOM AUSTRIA TO BOSNIA, KOSOVO AND AFGHANISTAN**

#### **Contents**

<b><u>Introduction</u></b>	<b>1</b>
<b><u>1. Return to Bosnia</u></b>	<b>1</b>
Background	
Unforeseen aspects of refugee return	
The visits in the framework of the evaluation project	
Overview	
Case Study	
<b>How could returnees be better advised</b>	
Sufficient preparation time	
Monitoring the use of aid resources	
Identifying non-party political NGOs	
Agreement between equal partners	
Research trips	
Facilitating reintegration opportunities	
Aid co-ordination	
Involving local initiatives	
Follow-up care for returnees	
<b><u>2. Return to Kosovo</u></b>	<b>10</b>
Overview	
Summary of results	
Repatriation decision	
Repatriation assistance	
After repatriation	
Future	
Case study	
Information on repatriation	
Repatriation	
Lack of assistance	
Current life situation in Kosovo	
Future	
<u>Conclusion</u>	
<b><u>3. Return to Afghanistan</u></b>	<b>21</b>
Summary	
Case study	
Decision against return to Afghanistan	
<u>Conclusion</u>	



## **Introduction**

This report is based on interviews conducted with former refugees/asylum seekers who returned from Austria to Bosnia, Kosovo and Afghanistan. The visits made to these returnees were part of the project "Evaluation of voluntary repatriation" carried out by Asylkoordination Österreich in co-ordination with the European Council on Refugees and Exiles.

All those interviewed had fled to Austria during the war in Bosnia, Kosovo and Afghanistan; they were either refugee's with temporary leave to remain as war refugees in Austria or failed asylum seekers.

### **1. Return to Bosnia including interviews with returnees from Austria by Dragan Perak**

Five returnees were interviewed; they had fled to Austria during the war in Bosnia and had received temporary leave to remain as war refugees there. This leave to remain was repeatedly extended between 1993 and 1998. In autumn 1998, both the leave to remain and the programme supporting the needs of Bosnian refugees were halted. Most of the interviewees left Austria shortly before this event and as such had availed themselves of the help offered by the Bosnia Return Advisory Service ("Bosnien-Rückkehrberatungsstelle")

#### **1.1 Background: the return of Bosnian refugees from Austria**

From 1992 onwards, Austria admitted a total of 90,000 Bosnian war refugees. These were awarded temporary leave to remain, the validity period of which was repeatedly extended until 1998. From the autumn of 1998, only those for whom return to Bosnia was judged to be unacceptable were able to extend their leave to remain. Furthermore, those who had already made the transition to normal residency status i.e. had found regular employment and received permanent leave to remain were also able to stay in Austria. Since opportunities for integration had improved during the period of the war, many young and employable Bosnians were thus able to remain in Austria. By the end of 1998, 65,000 out of a total of 90,000 Bosnian war refugees who had fled to Austria had found work and consequently made the transition towards permanent residency. Accordingly, the number of returnees as a proportion of the overall number of refugees admitted to Austria was small <sup>8</sup>.

#### **1.2. unforeseen aspects of refugee return**

Most of those returning were older people. Between February and December 1998, an EU project administered by Caritas supported returnees. The "Bosnia Return Advisory Service" run by Caritas offered help in terms of researching the status of returnees' homes, organising the return journey and advising on questions of customs regulations. Unfortunately, it soon became clear that many agreements negotiated by the Advisory Service with Bosnian authorities were not honoured in

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<sup>8</sup> See Report of the Bosnia Return Advisory Service of Caritas Vienna, 1998

practice: problems were most acute where customs regulations were concerned. The solution agreed with the responsible authorities, according to which no customs duty would be charged on goods for which a deed of gift was presented, was not observed in practice. Returnees ultimately had to pay duty on all goods they took with them. This example illustrates the difficulties entailed in attempts to influence the return process from the point of the host country.

Since the return project came to an end shortly after the expiry of the last extension period for temporary leave to remain, there was little opportunity to gather feedback on the process. The customs difficulties mentioned here represented just one of the many unforeseeable hurdles with which the Advisory Service was no longer in a position to help. Similarly, there was no opportunity for intervention in cases where returnees, having been unable to return to their homes, were refused permission to register at another location. This effectively denied returnees access to social benefits and insurance, for which registration is a precondition. The level of discrimination suffered by returnees was also unexpectedly high. Discrimination was also faced by internally displaced persons that sought to settle at a new location. However, returnees were doubly burdened as animosity was aroused by their status as returnees from "a rich country", on which basis available aid was distributed to them last of all. The man quoted in the following statement was one of many who were forced to move away from their hometowns following their return to Bosnia. He is a former client of the Advisory Service and writes:

"I went to the Employment Office in Tuzla and registered there. I was told that as a returnee I had less chance of finding work than those who came from Tuzla find find. All refugees are in a disadvantaged position. All in all, I can tell you that the Bosnian government has betrayed all refugees who stayed in western countries"<sup>9</sup> The report notes, correspondingly, that in the few examples of feedback received from returnees before the return process came to an end, the feeling of having been suddenly abandoned by Austria is prevalent.

### **1.3 The visits in the framework of the evaluation project**

Bosnia was one of three target countries in the framework of the project. In comparison with the other two target regions covered by the project, Afghanistan and Kosovo, the interviews with Bosnian returnees referred to a significantly longer time period of between four and eight years since the point of return. Dragan Perak conducted all the interviews, a former staff member of the Caritas Bosnia Return project, who had encountered those visited during the period of return and was thus renewing his contact with them.

### **1.4 Overview**

As mentioned above, returnees were primarily older people. These were also the people with whom the advisors of the Bosnia Return project had been most intensively involved. Four interviews were the result of successful searches conducted to find such clients, while one family was traced using private contacts. The reunion with some of the interviewees was at times a very emotional one. One female interviewee described the meeting thus: "My son from Vienna has come to visit me. He hasn't forgotten me". It was repeatedly stated that this visit constituted the first and only sign of interest, which "Austria" had shown in their subsequent fate since they had left the country.

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<sup>9</sup> *ibid.* p. 17

A significant aspect of the interviews was the contrast between the deep gratitude felt by returnees for their acceptance by Austria and their disappointment connected both with the experience of being pressured to leave the country in haste and with their experience of return. In part, however, their disappointment was connected not with Austria but with Bosnia. There is no sense in any of the interviews of identification or positive feelings towards the new "homeland". The returnees were unable to find either the country or the people whom they had left behind. According to one female interviewee, "It has been more upsetting to return to Bosnia than it was to leave it, because we had hope at the beginning, but none of our hopes have been realised." After having been absent for as long as eight years, returnees did not have the chance of gradual reconciliation with the changes that had taken place in Bosnia. Returnees from exile were less aware of the country's post-war reconstruction and more aware of continuing deterioration, particularly where neighbourhood relations were concerned. The mass emigration and displacement caused by conflict had left their mark. Former networks had been torn a part; returnees found themselves as new arrivals in neighbourhoods whose composition was completely different from their former ones.

Several years after their return, three of the five interviewees had to live away from their hometowns. The "real" return came for two interviewees as recently as two years ago, and for another interviewee only three years ago. Their return was only made possible by the removal of other, internally displaced, people from their apartments. Mrs D. was unable to return at all to her home and was thus forced to resettle [aged 69] in another community where she formed part of the minority population. All interviewees described feelings of loneliness, of having lost contact to former neighbours, and of living in a hostile environment.

The extremely difficult financial situation experienced by all those interviewed and the high level of unemployment, particularly youth unemployment, placed further strain on returnees. They blamed both the "radical" political parties in Bosnia and the international organisations and UN troops for the sluggish pace of reconstruction. Nonetheless, with the exception of the K. sisters, there was no clear wish to return to Austria. In spite of everything, Bosnia was still seen as the place where they could "be at home again". Alienated from their homeland, regaining possession of their former homes was an important positive event for returnees, while the country itself was a source of frustration. In a country that had become foreign to them, for returnees, the expression "at home" was reduced solely to its literal meaning. A glimmer of hope was seen by a few returnees in the chance that Bosnia would regain full sovereignty eventually. However, scepticism as to whether the country's divisions could be healed was more widely held than, for example, in Kosovo, where the prospect of independence is bound up with positive expectations. The following table summarises the personal details of the returnees interviewed:

<b>Name, age</b>	<b>In Austria from/ until</b>	<b>Decisive factor for return</b>	<b>Conditions of return</b>	<b>voluntariness</b>
Mrs B., 70, single	1992 - 1998	Termination of leave to remain	With help from the Bosnia Return Advisory Service and a Viennese church parish, a place was secured at an old people's home. These arrangements were not honoured in practice.	no

			Currently receiving a small pension regained possession of former apartment.	
Mrs D., 69, living alone	1993 - 1998	Oncoming termination of leave to remain and of aid programme for Bosnian refugees	Caritas – Bosnia Return Advisory Service. Living as Muslim in Croatian part of Mostar, victim of hostility.	no
K. sisters, 66 and 64	1992 - 2000	Final termination of leave to remain, which had been extended on mental health grounds.	Forced to sign declaration of voluntary return, under threat of forced removal. All authorities aware Bosnian house destroyed. Return journey organised by Bosnia Return Advisory Service	no
Family R., 74 and 69; two granddaughters c. 15 and 16	1993 - 1998	Termination of leave to remain, homesickness.	An NGO in Lower Austria provided organisation and information for return journey. Wanted to return but would have liked more time to prepare and follow-up care.	partly
Family E., 68 and 62	1993 - 1998	Wanted to return. News that they would regain possession of apartment decisive for their departure	Help from Caritas – Bosnia Return Advisory Service, esp. research and intervention re. restitution of occupied apartment. Agreement not honoured, however. Finally regained possession of apartment in 2002 (!)	yes

### 1.5 Case study

#### **Mrs B. – a story of broken agreements.**

When Mrs B.'s leave to remain in Austria was terminated, one thing was clear: she would not be able to return to her apartment in Brcko, firstly because it was occupied by a Serbian family, and secondly because no-one could guarantee her security as a Muslim in Brcko. A solution appeared in the form of an old people's home in Tuzla, whereby She would move to an area in which her ethnic group formed the majority population and which offered both an immediate solution to her housing problem and care services. However, She was entirely without visible means of support in 1998, her pension payments having been terminated during the war. Even had she been able to make a formal claim for support, what was on offer was too low. At about 50–100 Euros, her pension would not even have covered the care home costs of c. 340 Euros. A church community in Vienna intervened to help, offering to cover most of her residential costs for a year, which would have allowed her to use part of her pension for other purposes. After prolonged enquiries and negotiations in writing and by telephone, learning the probable amount of her pension, the amount offered by the church and the final costs of the care home place were identified, a written agreement was undertaken with the care home. One

of the conditions was that the annual cost of her residential place should be paid in advance, and in cash.

She left Austria in July 1998. In the months that followed she made contact in writing and by telephone from time to time. She hinted that not everything had gone according to plan. In September 1998 she wrote: "You ask me about the pension and how life is going in the care home. I am only happy to be able to speak my own language here and to live near to my hometown. But please don't ask me about other things. There is little to eat, just enough to stay alive. I have still received no confirmation of my pension. I have had to travel here and there and only German marks, not Austrian shillings, are accepted as payment. All the money I did have has gone to pay for all these things. Yesterday though, I did manage to put in a claim..." What she failed to mention at all, either in a letter or by telephone, became clear during this recent visit, seven years later: no single aspect of the agreement had been honoured. Instead of being given a single room, she had had to share a room with a mentally disabled woman, whose care was given largely over to her. At the very start, the entire advance payment made for her residential place went into the pockets of the care home director. This meant that she had to use her pension to cover the cost of her residential place herself. The director told her that she should count herself lucky not to be put out on the streets, since her 100 Euro pension only covered a third of the cost of her place.

After exactly one year she was indeed thrown out onto the street. Until this point, she had cared for her mentally disabled roommate, rather than enjoying the single room promised to her.

She was able to stay with a friend and thereafter sought to contact the people occupying her former apartment in Brcko. She threatened to involve the police and UN forces and thus managed to pressurise them into naming a moving date. One day before the agreed hand-over, she went to the apartment accompanied by two police officers. There she found, as she had suspected, that the occupiers were busy packing removable possessions belonging to her to take with them. The police officers – who were, as she stressed, themselves Serbs – ensured that her belongings were returned to her. For the last five years, she has now been able to live in her former apartment. She has just enough money to subsist on – as for many older people; the fact that all medicines must be paid for is an enormous problem. However, the visit of her former adviser did enable one change to happen: with his help, she was accepted by an aid programme run by an Austrian private foundation and soon after, in autumn 2004, she received a fridge and enough wood for the winter.

### **1.6 How could returnees be better advised?**

The following considerations have emerged from the reports of returnees and interviews and discussions with former refugees and aid organisations in Austria.

- **Sufficient preparation time:** In general, the timing of their return came too early for many interviewees. The K. sisters were returned "voluntarily", although all those involved knew that they had nowhere to live. They lived for three whole years in a wooden hut on the property of their ruined house. Much of the aid offered assumes the presence of family members able to carry out home repairs. It is certainly true than it may often be sufficient help to provide materials for rebuilding destroyed houses. In the case of the sisters, both aged over 60 years,

however, this was not sufficient. Today, they live in a partially completed new house with a concrete ceiling instead of a proper roof, rebuilt by their brother, also aged over 60. The house has neither furniture nor running water or sanitary facilities. Other returnees have also confirmed that it would have saved them a great deal of difficulty if they had been able to begin the long bureaucratic process of reclaiming their apartments while still in Austria.

- **Monitoring the use of aid resources:** this is clearly not always possible: as in the case of Mrs B., even with the most carefully made agreements, there is no guarantee that these will be honoured. However, there is a clear lack of follow-up care and monitoring which, given the large amounts of money involved, is incomprehensible. Mrs B.'s case is not the only example of reconstruction aid funds being corruptly siphoned off without penalty. Similar reports emerged in the course of a discussion organised as part of this project with former Bosnian refugees and NGOs. Payments to local authorities are particularly affected by this problem. Where monitoring via returnee's advisory services is too complex to implement, co-operation with local NGOs should be developed.
- **Identifying non-party political NGOs:** The experts consulted for the project repeatedly warned of the difficulties of working with faith-based organisations, since these were aligned to particular political parties. Positive examples cited were the women's organisation Incijativažena and grass roots projects run by citizens' initiatives in the area around Prijedor with the support of the Prijedor Donors Conference.
- **Agreements between equal partners:** NGOs cannot make Agreements with local authorities or their political representatives, since they lack the necessary authority. An agreement between partners at the same level – politician to politician – is required. During the discussion with experts, many clear cases of nepotism were reported, which go unpunished because no-one asks for evidence of how money is spent and no controls are made at local level, thus encouraging others to do the same. According to former refugees, NGOs should receive support on this issue from the host countries.
- **Research trips:** Research trips have indeed been carried out, but small towns have not been taken into account. Thus in Banja Luka, information was gathered regarding the entire region, which did not give an accurate picture of the actual conditions existing under individual local authorities.

The research trips undertaken by Bosnian refugees themselves, which in some cases involved several journeys, did yield practical results. These proved essential, although often not sufficient in themselves, for solving property issues.

- **Facilitating reintegration opportunities:** Housing and employment issues need to be taken into account in any programme for returnees. Potential returnees need time to find out what options are available to them. Where these issues remain unresolved, returnees constitute a further burden for a state in the process of reconstruction. This in turn makes rejection and discrimination a foregone conclusion. Conversely, a returnee project should not apply positive discrimination: where job opportunities are anyway few and far between, the creation of workplaces exclusively for returnees is dangerous. A returnee project should aim to improve the situation in the region as a whole.

- **Aid co-ordination:** Both refugees and aid organisations repeatedly stressed that aid was distributed in Bosnia in an uncoordinated way, with the result that too little reached rural areas. A further criticism was that many projects were designed in Austria and were therefore not appropriate for the situation on the ground. To tackle this problem, building more contacts locally and undertaking more research trips at the planning stage are recommended.
- **Involving local initiatives:** Although most aid organisations claim to have a participate approach, as the report of one discussion member made clear, there are currently 600 projects run by international organisations and only a very few Bosnian projects in the country. The application and funding procedures in place are too closely oriented towards the standards and capabilities of EU-based NGOs.
- **Follow-up care for returnees:** The expert panel and the refugees consulted emphasised that many problems were associated with the lack of any follow-up care once returnees arrived in Bosnia. Furthermore, evaluation of organised aid programmes took place on a rather ad hoc basis, i.e. only in cases where returnees in Bosnia contacted the Returnees Advisory Service. The problem of broken customs agreements only emerged in this way. Had there been a more systematic procedure for monitoring the return process in place, Mrs B. might have been able to recover the money taken from her.

## **2. Return to Kosovo including interviews with returnees from Austria by Naser Palushi**

### **2.1 Overview**

The report is based on 9 interviews with refugees who had returned to Kosovo from Austria between 1996 and 2004. Two interviews are reported in greater detail as examples: one concerning an involuntary repatriation, the other a voluntary repatriation (when compared to the other cases)]. Their classification 'voluntary' and 'involuntary' depended on whether more weight was given by the interviewees to motives to return or to perceived coercion. This is not unequivocal since a lack of prospects in Austria is one of the reasons for the decision shared by all persons interviewed. Only one of the interviewees admitted to have been actively trying to return right after the end of the war. His story has been chosen as an example of a voluntary repatriation.

The table below shows a short overview of some of the factors that played a role in the repatriation of the interviewees.

<b>Name, Age</b>	<b>Stay in Austria</b>	<b>Decisive reason</b>	<b>repatriation situation</b>	<b>voluntariness</b>
Ms. I., 40,	5/99-3/01	End of temporary residence. Wish for the father to return first with the rest of the family (five children) returning later was not feasible	Condition of the home was assessed by Austrian authorities and found inhabitable. Thus their residence permit could be extended for one more winter. With financial repatriation assistance the rehabilitation of the home could be half completed	No

Son I., 15	5/99-3/01	End of residence		No
Mr. B. A. about 40, Gjilan, grocery chain	5/99-9/99	End of war	Information from his brothers, reconstruction of his destroyed home and stores financed exclusively with own means	Yes
Mr. B. 25 Gjakova, unemployed	about 12/03-08/04	Engagement with girlfriend in Sweden. Repatriation to organise exile in Sweden from Kosovo.	Information from family, repatriation organised by Caritas	Yes
Mr. A.A. ,37, Peja, doctor	about 01/96-01/97	Asylum application negative, fear of detention pending deportation	Returned illegally back to Kosovo. Decided to support KLA as a doctor in war instead of fleeing again.	Return as result of lack of prospects
Ms. Q. 32, translator	94-99	Her fiancé returned to fight for the KLA after waiting six years in vain for a residence status in Austria	First contact to family and fiancé only after the war. Returned on her own.	Yes/No. Followed her fiancé
Mr. S., 26, Prizren, job at gas station	96	Father was killed in the war, did not want to leave remaining family alone	Information from family, repatriation organised by Caritas	Yes
Ms. K., 56, Ferizaj, teacher	5/99-12/00	End of war, asylum application rejected	Rehabilitation of apartment made possible by financial repatriation assistance.	No
Mr K. (son), 27, Ferizaj, waiter and student	5/99-12/00	End of war, asylum application rejected	Disappointed that he was forced back by Austria despite his father's illness	No

The political consequences of being forced to return are striking. Both Mr. A.A. and Ms. Q.'s fiancé joined the KLA after their application was rejected as unfounded. Involuntary returnees turned into fighters after one of the two options "flight or fight" was closed.

One of the two – only Mr. A.A. could be asked personally – emphasizes that his life as an asylum seeker in Austria has been humiliating ("like a criminal", Mr. A.A.) and that he experienced the authorities' behaviour as cynical. This, he says, was part of the reason why he returned to Kosovo and decided to fight for the KLA.

## 2.2 Summary of results

- **Life situation and needs of returnees**

Many complained about poverty, unemployment, and lack of medical care. Quite striking is the feeling of being personally threatened by the high criminality rate. The



Police and the international protection force are accused of being self-interested and actually lacking any willingness to improve the security situation. The growing drug abuse problem is mentioned especially often; particularly, interviewees with children were afraid of both the numbers of addicts and dealers. In two cases parents said they bring their children to school because they are afraid of kidnappings and human trafficking. Owners of property, for example Mr. A. who has rebuilt his grocery chain, have to spend considerable amounts on continuous surveillance. "I don't know what's better today in Kosovo: To be poor and constantly being plagued by worries about just existing, or being better off and worrying all the time about one's possessions and children. Both situations are unsupportable." And he adds that he hopes for the day when he no longer needs to always carry a gun.

Overall, the results of the interviews bear testimony to a lack of perspectives, to embitterment and resignation. Yet the answers of the older persons and the young generation differ markedly. While those that spent most of their lifetime in Kosovo express hope for an improvement of the security situation and the economy, the young have little confidence that the economy will improve in the near future. They say the government should create jobs and would like to see more foreign investment. The lack of jobs and the low salaries in Kosovo are the crucial arguments brought forward by young people, including those with higher education, in favour of an emigration to western countries.

- **Repatriation decision**

All persons interviewed stated that they had more or less been forced to return. The decision to return was made for lack of any other option. All of them had just a temporary residence permit, and they were threatened with its non-extension. None of the refugees considered staying illegally, out of fear that sooner or later they would be deported anyhow, without any repatriation assistance. The asylum authorities' behaviour is described as cynical: Mr. B. could not be interviewed at the Federal Asylum Office because a Serbian translator had been arranged for him. He does not speak Serbian and did not understand what the translator said to him. The officer seemed to be aghast that he did not understand Serbian and told Mr. B. that Kosovo was a part of Serbia and that as a Serbian citizen he had to understand Serbian. Mr. B. stated that he had the impression of having applied for asylum in Belgrade and not in Austria.

A frequent complaint concerns the fact of having lost many years in Austria doing nothing: it would have been good to have the opportunity to learn a profession or to work. Studying is said to have been difficult as well because only a few exams from Kosovo were recognised.

- **Repatriation assistance**

Only few refugees received advice by an NGO. Many did not know which NGO offered repatriation advice or where they would have to go. The only institution mentioned is the repatriation advice office of Caritas. Twice the financial repatriation assistance for Kosovo returnees is mentioned as having helped to finance the reconstruction of a home.

Requests for assistance are not very precise. Time and again emphasis is put on the urgent need for firms to be established in Kosovo to create jobs. Without them, the country would further sink into poverty and crime. Yet some signs of self-help are discernible in the interviews, e.g. a report of an investment in a petrol station made by an exiled brother. In this example, the Diaspora is the first group confident enough to invest in a country in a post-war situation. This kind of support goes

beyond the "usual" remittances because it creates an opportunity for sustainable change. If the petrol station flourishes more jobs could be created, taxes would be paid and so on. One possible conclusion from this experience is that it would make sense to facilitate investments by the diaspora in the countries of origin.

The threat of a brain drain is illustrated by the case of K., a student who would need a grant to finish his studies in reasonable time. If he does not finish his studies it is highly probable that he will try his luck again in the West, with a high chance of failure. As much could be said concerning I., a boy who will not receive an education for lack of money. In Kosovo, instead of apprentices earning a salary, one has to pay for an apprenticeship place, a practice not amenable to change. But also in these cases one could think about establishing some grant programmes.

- **After repatriation**

Many would have wished to keep contact with NGOs in Austria or with NGOs active in Kosovo after repatriation.

Refugees have not been taken care of after repatriation and had to manage everything on their own.

Since most refugees spent just a few months or years in Austria, they had no trouble to regain control of their possessions upon returning. Either their homes or apartments had been destroyed during the war so nobody could take them over or relatives in Kosovo took care of their possessions, thereby preserving the refugees' rights.

No problems with authorities or neighbours were reported. There were no difficulties in the repatriation of the refugees.

Some of them report relatives had believed they had earned a lot of money in Austria and were able to support them to some degree. But the refugees could not meet these financial expectations.

- **Future**

For all of them, the future of Kosovo lies in independence as a sovereign state. In respect of their-own future most are worried. Those who made plans are the exception; as a rule everybody is waiting until the status of Kosovo is finally clarified. But, especially, the young people are very impatient. Though some of them express a prudent optimism regarding an improvement of the economy, they are not prepared to work hard for many years just to be a bit better off. Instead, they want to accomplish a lot in as short a time as possible.

## **2.3 Case Study**

### **2.3.1 Interview with Ms. I: an example of involuntary repatriation**

- **Flight Story**

Ms. I. stayed in Austria from May 1999 until March 2001. She had been flown out to Austria together with her husband and her five children from the Blace refugee camp in Macedonia. The family was accommodated in a former Austrian army barracks in Salzburg. During her time in Austria, she was under permanent medical care. She had lost her youngest child (a baby three months old) in the war. When their district came under fire, they fled from the Serbian army. For several weeks she was hiding in the woods with her children. Since they had almost nothing to eat and the weather was cold (it was raining constantly), her baby became ill and died in the woods. Some weeks later, with help from the KLA, they managed to flee to Macedonia, where they were brought to the Blace camp. The conditions there were very hard, the camp was hopelessly overcrowded and she had a very hard time

because of what she had been through, as did most others in the camp. She turned to the Red Cross, applied for being flown out to a European country and finally came to Austria with her family.

She states that before being transferred to Austria all the refugees had to sign a written declaration saying that they would not apply for asylum in Austria. They were told that they would be entitled to stay until it would be possible to return to Kosovo.

- **First information on repatriation**

Some weeks after the war was over, in June 1999, an evening information meeting was held in their accommodation centre. The refugees were told that NATO forces were present in Kosovo to protect Albanians against Serbian attacks. Thus there was no danger anymore and all the refugees were able to return to Kosovo. Then they received a questionnaire to complete and return.

She states that she had been happy to hear that the war was finally over. But she is still very frightened to return because since she arrived in Austria she haven't had any news on the fate of her relatives and no information whether her home was still intact or had been destroyed already.

They received information on the security situation at the information meeting and from other refugees that had managed to get into contact with relatives in Kosovo. Some weeks after her husband had returned the questionnaire they were invited to a personal conversation. They told the officer that they had some concerns regarding repatriation since they did not know whether their home was still intact or not. With five children they could not live in a tent in Kosovo, they said. They told them their address, and some weeks later they were informed that their home was no longer inhabitable and that they would be allowed to stay in Austria for the winter, but would have to return in spring. They were shown some photographs of their home. She states that she had been very afraid to return since she still had been very ill; her children had never been sleeping through the night and had been plagued by nightmares time and again. She had been afraid that their condition could become worse. Still the authorities pressured them to return early. The later they decide to return the less money they would receive to repair their home. At some point in time they would be sent back against their will and would receive no assistance at all.

- **Repatriation**

Thus the family felt forced to return quickly to rebuild their home. Their wish for Mr. I. to return first and his wife and children to return only after the home had been rebuilt was rejected. For health reasons they were allowed to stay in Austria until March 2001. Then they were flown to Skopje; from there, IOM brought them back to Kosovo by bus.

She said the decision to go back together with her family had been actually taken by the authorities. She would have preferred to stay in Austria. She had terrible experienced the first months of the war and had seen a lot of destruction. She was sure that since her flight her country had been destroyed even more.

They had no opportunity to attend a German language course. Only their school age children were allowed to attend school. No integration measures were taken; she received no information on Austrian culture and had no contact to Austrians except for the officers dealing with the repatriation. Her husband wasn't allowed to work,

though they needed money for Kosovo, and they didn't receive any advice from NGOs. They were not told that advice by Caritas was available or did they know where the Caritas office was. They had no idea that there were organisations in Austria offering legal advice. She had believed that NGOs were only involved in humanitarian aid (food, clothing etc.) just like the "Mother Teresa" association in Kosovo and the other organisations caring for war refugees in Macedonia she had come to know.

- **Lack of assistance**

Ms. I. would have preferred to stay in Austria and make use of a therapy for herself and her children to better cope with the terrible experiences they had gone through. She regrets not to having known of these organisations in Austria. She would have wished very much that these organisations, since they exist to support refugees, had visited them in their accommodation and informed them about their rights. In fact they were only informed by the authorities and had no chance to check whether they were entitled e.g. to attend a German language course, to look for a job, to undergo a therapy etc. or not.

- **Current life situation in Kosovo**

Today, the family of seven is living in just two rooms (a sleeping/living room and children's room plus bath and kitchen). Comparing her situation with that of other people, Ms. I. is pleased that her family has at least a roof over their head. Their financial situation is still very bad. Her husband still has no job and just works casually in construction. There are too many unemployed men around, she says, and thus there is not always work for Mr. I. They survive on monthly welfare payments of 30 Euro and support by the "Mother Teresa" association, which occasionally provides the family with staple foods like flour, sugar and oil.

She thinks that other families that never had been abroad actually received more assistance, namely from various organisations in Kosovo. Not in cash, but they were provided with building materials, and with that they could rebuild their homes. They got windows, doors etc. as well. But her family did not get anything because it was believed that they had received enough assistance from Austria.

She is distraught very often because she very worries about the future of her children. Her oldest son is now 15 and has already started to think about emigrating again to Austria. The children had felt secure and very fine in Austria and had not wanted to return to Kosovo. They went to school in Austria for one year and had just started to speak German when they had to leave.

Life in Kosovo is very hard. For several hours a day they have no water and no electricity, the roads are bad, medical care is insufficient and the unemployment rate very high. She says she sees no future for her children in Kosovo and complains that also the school education is not very good. Her children have no chance to get an apprenticeship place, she says, because they cannot pay for it. Her oldest son finishes primary school this year and she has no idea what he should do then.

- **Future**

She says they've got into a hopeless situation and she never would have thought that they would be so bad off materially even after the end of the Serbian rule in Kosovo. According to her, the security situation is getting rather worse than better. Her daughter is 14 now, and Ms. I. is always worried that something might happen

to her. Time and again young women and girls are kidnapped, and she constantly hears about robberies and burglaries. Her son, she says, has been offered drugs in the school, and the police does very little or nothing against it. She says she expected the situation to stabilise as the years go by but now they are worrying all the time again.

Because of their financial problems, but also because of the bad security situation they would leave Kosovo at the first opportunity to emigrate to a country in Western Europe. Her husband is getting older and has no chance of finding a job in Kosovo, since he has no work he will not get a pension when he is old. And she does not know how they will survive when they are both old and ill. Already now she is ill very often and lacks the money for a treatment. She is afraid that some day her sons might turn into criminals if they do not find a job like their father. She thinks that it would be easier for her children to emigrate as long as they are under age. Being young, they could learn the language and a profession very fast. She hopes that her oldest son will be able to emigrate to Italy with help from some relatives when he is 18. If at least he had a job he could then support his family.

She hopes and firmly believes that Kosovo will soon be independent. Perhaps then foreign firms will decide to invest in Kosovo and create more jobs. Without foreign help Kosovo will not make it.

### **2.3.2 Interview with Mr. A: An example of voluntary repatriation**

- **Flight story**

Mr. A. came to Austria during the war in Kosovo. Before he had lived in a camp in Macedonia. He was flown out to Austria in May 1999 together with his brother. He returned to Kosovo immediately after the war. Before the war, He had owned several grocery stores and a petrol station in Gjilan. He had run the grocery chain and the petrol station with his three brothers, earning a lot of money. During the war the petrol station was burnt down. All the stores except one were plundered and burnt down as well. Shortly before the start of the war in Kosovo the situation had come to a head, and he had thought that for the short term it would be best to bring his whole family (parents, wife, children) to Albania. He thinks that was the best decision in his life, because he saved their lives or spared them a lot of suffering at least. He and his brothers had stayed in Kosovo to keep their business going, but were driven out by the Serbs during the NATO attacks.

While two of his brothers continued their flight from Macedonia to Albania to join other relatives, he and his youngest brother decided to go to Austria. At that time he had planned to bring his family from Albania to Austria, but this proved unnecessary since the war came to an end very quickly and he was able to return and start a new life in Kosovo.

He did not apply for asylum in Austria. For humanitarian reasons, he and his brother were granted residence permit for as long as the war went on. He was told that he was not allowed to work. That disappointed him because he would have preferred to work, on one hand to earn some money to be able to return once possible, on the other hand just as a distraction. With some work to do he would have had a chance to get the war out of his mind for some time at least. He says that he had expected more support from Austria. He had no opportunity to attend a German language course. They were supported with their board and lodging, but nothing else. He felt

quite isolated. The refugees used to stay among themselves and had little contact to the outer world.

- **Repatriation**

Immediately after the end of the war was announced He reported for repatriation. He returned to Kosovo as soon as September 1999. His only sources of advice were the competent authorities. He had no contact with NGOs in Austria. He didn't know which NGOs offered advice and directly turned to the authorities, which were providing refugees with information on repatriation. Mr. A. says he knew that it would be easier for him to build himself a new life in his home country than in Austria. He did not speak German and his opportunities were limited in all other respects as well. In Austria, he was tolerated just as long as the war in his home country continued. Since his family was in Albania he wanted to return immediately. As a former businessman in Kosovo he wanted to take part in the reconstruction of his country.

His brothers informed him about the security situation. They had returned to Gjilan immediately after NATO had entered Kosovo. They managed to contact him by phone and provided him with detailed information on the local security situation. The biggest danger was mines. Many returnees had been killed by them, he was told; his home and his stores had all been destroyed, something he had expected anyhow. He stated that this did not bother him very much then, he just had been happy that the war had ended and that his family had survived. Since they had earned and saved a lot of money before the war, they were able to quickly rebuild their grocery chain and their homes.

- **Current life situation in Kosovo**

He hopes that the security situation will improve. There are burglaries every day and he has to keep his stores guarded round the clock. The fact that he works together with his three brothers makes things easier for him than for others, he says. In Kosovo, only people like him with enough money to make a new start are able to secure survival for themselves and their families. For anybody else the situation is very bad,

- **Future**

Mr. A. hopes that the economy will soon improve somewhat. Kosovo needs foreign investment, he says. Firms and factories have to be established so that young people can get jobs again and take care of their families. And in addition his wish is for Kosovo's independence to be recognised soon.

He believes that the security situation will only improve after a general improvement of the economy. Currently he is living in a state of constant alert. The police do not do their job as they should and he cannot force them to protect his possessions and his stores. He sleeps with his gun beside his bed. Every day he brings his children to school and picks them up there as well. He is very worried that his children might be kidnapped to extort ransom money.

## **2.4 Conclusions**

The interviewees from Kosovo, unlike e.g. those from Bosnia, showed a high willingness to move. Many would seize the next opportunity to re-emigrate. This could be explained by age differences – all the interviewees from Kosovo are still of working age. Yet it is quite obvious that the repatriation was no sustainable success so far. There's no lack of will to "rebuild the country" but a lack of opportunities to

do so. The case stories are rather a testimony of powerlessness than a source of ideas for solutions, but three approaches to support can be discerned.

#### 1. Enable property protection

The need for effective security forces is emphasised repeatedly by returnees. The attempts to cope with the bad security situation increase the potential for violence. He takes things in his own hands by illegally carrying a gun, because the police and the military are not able to protect his property.

#### 2. Promote sustained investment by the diaspora

Family members living abroad prove to be most helpful. An important approach to re-integrate returnees seems to be support by the diaspora whose remittances are still essential for the survival of many families. It would make sense to encourage the many Kosovars living abroad to invest in Kosovo and to facilitate such transactions, as illustrated by the example of the petrol station financed by repatriate's brother.

#### 3. Facilitate Qualification opportunities in country of origin and exile

The case of Ms. I.'s son demonstrates that it would make sense to provide qualification opportunities with grants and that it is not advisable to obstruct school education and apprenticeship during exile. The result of a lack of perspectives for young people are new emigration plans and respective illusions e.g. with regard to opportunities for the job market abroad, as illustrated by the interview with Ms. I.

### **3. Return to Afghanistan including interviews with returnees from Austria by Mir Ghousuddin**

#### **3.1 Introduction**

This report is based on interviews conducted with five former Afghan asylum seekers in September 2004. Besides visiting the returnees, the project included researching the support provided in Austria to people returning to Afghanistan. One of these programmes – the repatriation programme of the International Organisation on Migration (IOM) – was presented at an information meeting with Afghan refugees. From the debate at this meeting, recommendations for repatriation projects from the point of view of the people concerned could be derived.

All visits took place in September 2004. They were made possible through private contacts of project team member Mir Ghousuddin and through the intermediation of IOM Kabul. Interviews were conducted with five returnees from Austria, one returnee from the Netherlands, several returnees from Pakistan and Iran and UNHCR and IOM staff members, one of the latter being a returnee from Denmark himself. His experiences are similar to those of the "Austrian" returnees presented here. The concluding recommendations are partly based on the results of all these interviews. The case examples provided refer to returnees from Austria only.

#### **3.2 Summary**

Voluntary repatriation of asylum seekers and refugees from Afghanistan is still a very rare phenomenon, not only in Austria but also across Europe. Since the Karzai government assumed office, a total of 2,400 Afghan refugees have returned from Europe to Afghanistan. In Austria, a total of 70 Afghan citizens decided to return

between April 2003 and May 2004.<sup>10</sup> Within the framework of this project, five of them could be traced in Kabul and Mazari-Sharif, all of whom agreed to be interviewed.

All interviewees returned under programmes of voluntary repatriation, yet a closer look reveals that the "voluntariness" is not that clear-cut. Even after assessing whether the "push" factors, i.e. deterrence in the face of the situation in Austria, or the "pull" factors, i.e. attraction by the home country, prevail<sup>11</sup>, the decision remains a difficult balancing act. Though none of the interviewees had to decide under threat of physical force, the lack of positive perspectives in Europe played a role for each of them. The actual decision was taken at a moment where this lack of perspective was compounded by an additional negative development, e.g. whether the result of a threat of rejection during a Dublin procedure, or the grave illness of a child left back in Afghanistan.

A repeated concern expressed refers to the problem of returning "with empty hands". After all, enormous sums had been invested to get to Europe and both family and friends simply could not believe that there was no financial return at all. The start-up cash provided by IOM clearly helps in saving face in this situation, but it is by no way sufficient. The lack of long-term support is definitely a problem, as was concluded in all the other countries examined. Two of the interviewees were granted a business start-up credit of US\$ 1.700. That was a great help, but the business is not going well. There are not enough plants and factories to improve the economic situation, the returnees said. Currently practically all goods are imported from Pakistan. "The reconstruction in Afghanistan is more of a help to Pakistan than to Afghanistan", said one of the interviewees.

Unlike the returnees to Bosnia and Kosovo examined within the framework of our project, the Afghan refugees had returned just a few months before being interviewed. In each case the return was organised by IOM, and all of them received some start-up money from IOM.

In striking contrast to the returnees to Bosnia and Kosovo, the Afghan returnees maintained an extremely negative view of their situation in Austria. This may be due to the fact that all Afghan refugees went through a protracted asylum procedure, were left with no clear status for several years and had no access to the labour market. Most of the Bosnians and Kosovars, on the other hand, did not have to go through an asylum procedure and were granted a temporary residence as war-displaced persons relatively fast. These groups also benefited from the existence of better networks in Austria, a result of the traditional migration patterns in their home regions.

The table below outlines some of the most important factors, which determined the return of the five interviewees from Austria. The classification in the column

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<sup>10</sup> Information by IOM Vienna, June 2004

<sup>11</sup> The use of this yardstick is recommended also by UNHCR in its Manual (UNHCR Note on Basic Considerations Regarding Returns to Afghanistan from Non-Neighbouring States, 2.3.): "The difficulty of identifying true „voluntariness“ enhances the need for UNHCR to scrutinize objectively the refugees situation. (...) as a General Rule, UNHCR should be convinced, that the positive pull-factors in the country of origin are an overriding element in the refugees' decision to return rather than the possible push-factors in the host country or negative pull factors, such as threats to property, in the home country".



"voluntariness" is based on an assessment of the positive and negative factors (motives and constraints) that influenced the decision to return.

Table Returnees

<b>Name, Age</b>	<b>Stay in Austria</b>	<b>Decisive reason for return</b>	<b>Repatriation situation</b>	<b>Voluntariness</b>
Mr. S., 39, AS <sup>12</sup>	June 2002- April 2004	Asylum application rejected; humiliating treatment as asylum seeker	Mentioned wish to return in the refugee camp; repatriation organised by IOM. Would like to re-open his company – a pharmaceutical factory – but the authorities demand enormous bribes. Received start-up money of IOM, but the amount is insufficient. Lives off savings.	lack of prospects
Mr. M., 35, AS	May 2001 – November 2003 In UK: November 2003 – May 2004	Threat of re-transfer to Austria, longing for the family	Felt in Austria like in a prison, travelled to UK where he found some work, though without legal residence. Disillusioned by Europe, especially by Austria, expected a country that respected human rights. Returned by way of IOM, received assistance in Kabul. His view is that it is difficult to come back from Europe empty-handed. Survives with help from friends only.	lack of prospects
Mr. N., AS	February 2001- April 2004	His long waiting for a decision in the asylum procedure and news that his son was very ill.	Wish to return forwarded to IOM by care persons. Opened a store in Kabul with IOM start-up money. But the store is not exactly thriving and suffers from a lack of money for equipment and electricity.	lack of prospects
Mr. D., 33, provisional residence	April 2002- July 2004, including a stay in UK	Long waiting time, relatively safe situation in Paktia, his home region, longing for home and family	Was informed on the home country situation by the family. Support for many issues by the Caritas Repatriation Programme. "There was no question they would not answer." Currently mainly financial problems. Neither family nor friends can believe that he came back practically without any money. Now working in a friend's store; was granted one-off funding of US\$ 1.700 for goods by IOM.	partly

<sup>12</sup> AS: residence title based on asylum application

Mr. H., 34, provisional residence	2001-2004	News that the family was badly off	Enjoyed a relatively good situation in Austria, own apartment. Information by Caritas, Amnesty International. Travel organised by IOM from "door to door". Happy to be with his family again.	yes
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All interviewees live currently in Kabul, the former hometown of two of them, while the other three moved to Kabul with their families and would like to stay there. Thus, the example of this group confirms the problem of mass-migration to the big cities mentioned by most reports on the repatriation situation in Afghanistan, especially to Kabul.

### 3.3 Case Study

#### Mr. D: Decision to return to Afghanistan

Mr. D. belongs to those who had an alternative to return namely the option to stay in Austria based on the non-refoulement principle. With this residence title, at least his livelihood was assured, and he had a better chance to get an employment permit than those with a residence title based on their asylum application only. However, several times during the interview Mr. D. emphasised that the temporary nature of this residence title was a strain on him. The decision on an extension of his residence was postponed again and again. He was worn down by the insecurity of his residence title, and this was ultimately one of the reasons for his decision. His goal, namely to be granted asylum in Austria or in the United Kingdom and to build a new future on this foundation, remained unattainable. With his residence title merely temporary, his future seemed to remain uncertain; he was not able to find work in Austria, something he had achieved in the UK, though by ignoring the law. The overriding issue during the interview was his aimlessness and his lack of prospects, with the improving security situation playing only a subordinate role. Though he mentioned the rather stable situation as a necessary precondition; it was not the crucial factor in his decision. His most important source of information in this regard was his family. Still, he took up repatriation counselling, obviously mainly to get financial and organisational support. According to him, repatriation counselling should include still more detailed information on the security situation and the life conditions. Even more important, he says, is assistance after returning. He works in the textile shop of a friend. With the IOM's start-up money they were able to acquire a basic stock of goods, but judging by the way their business is going he has got only a slim chance of paying back his debts. In part, these debts go back to the time before his flight: "I spent more than one million Kaldar to flee to Europe and I came back with 2.000 dollars." In his opinion, the most important measure to assist returnees is to give them a chance to work. "As long as refugees live in Europe they should have the opportunity to work. Because if they want to return to Afghanistan one day, they should return with their hands full and not empty."

#### 3.4 Decision against return to Afghanistan

From debates with refugees who decided to stay in Austria it emerged that the bad security situation was the main reason for not returning, in particular for members of groups still in opposition, and for women.

A further reason for not returning is the problem that their substantial financial investment did not pay off. It would be very humiliating to return with no money and no hope to be able to contribute to the family's livelihood. One would be living off

the family, they say; anybody coming back from the West should be enrichment, not a burden for society.

Many returnees simply do not understand that they were forced to do nothing in Europe instead of getting a chance to earn money or learn a profession so that they could be useful to their families once back home. This is an important issue for the "non-returnees" as well: A main criticism with regard to the IOM repatriation programme was that an offer of practice-oriented vocational training in Austria would be much more meaningful than the "crash" courses in Kabul.

### **3.5 Conclusions**

From the conversations with Afghan refugees and returnees, the following consistent messages emerge:

1. Wider definition of security: security must be the priority number one. The EU member countries' wish for the refugees to return quickly must not lead to overly optimistic and superficial assessments of the situation. Seen through the refugees' eyes, security has to be understood in a wider sense. The end of hostilities must not be the only criteria, the chances of survival in the long term have to be examined as well; concerns expressed relate in particular to the situation with regard to health care and school education for the children.
2. An opportunity to work in Europe as a preparation for return  
Many refugees want to go back to Afghanistan. But, burdened with debt and without jobs and income as they are, they would just exchange a hopeless situation abroad for a hopeless situation at home. Any who have got work in Europe are able to send money home or bring it with them and thus to preserve a reputable position in society. The shame of not being able to contribute or to pay back others' investments is an important reason for not returning.

# Terreinbezoek Russische Federatie (Moskou)

21 oktober - 2 november 2004

*Verlag: samenvatting*



**ECRE**

**fedasil**  
FEDERAAL AGENTSCHAP VOOR  
DE OPNING VAN ASIELZOEKERS

OVERLEGCENTRUM  
**OCIV**  
INTEGRATIE VAN VLUCHTELINGEN

Met de steun van het Europees Vluchtelingenfonds

## Situering en doelstellingen van het terreinbezoek

Dit terreinbezoek naar de Russische Federatie - Moskou - kadert binnen twee projecten: enerzijds het project SHARE II “**Increasing Refugee Participation in the Field of Voluntary Return**”, dat gecoördineerd wordt door ECRE, en anderzijds het project “**Actie-onderzoek naar de motivatie van potentiële Russische terugkeerders, aangepaste begeleiding en monitoring in de Russische Federatie**”, dat begeleid wordt door Fedasil. Beide projecten worden gefinancierd door het Europees Vluchtelingenfonds.

Deze missie wordt uitgevoerd door Trees Van Eykeren, projectverantwoordelijke en Pavel Radjuk, contactpersoon vanuit Solidariteit.

### ③ **Zoektocht naar een terugkeerconcept voor de Russisch-sprekende vluchtelingengemeenschap**

Het project SHARE II moet resulteren in een terugkeerconcept dat afgestemd is op de noden en behoeften van de Russisch-sprekende gemeenschap. De onderzoeksgegevens worden in eerste instantie in België verzameld vanuit de informatiesessies, de bevraging en de gesprekken met de verantwoordelijken van de zelforganisaties. Het terreinbezoek biedt de nodige informatie over het proces van terugkeer en reïntegratie. Hierdoor kan verdere invulling worden gegeven aan een terugkeerconcept dat niet alleen is afgestemd op de wensen en verwachtingen van de terugkeerders, maar ook is aangepast aan de lokale realiteit in het land van herkomst.

### ③ **Verzamelen van case studies**

Via een concrete vragenlijst worden personen die vrijwillig zijn teruggekeerd bevraged. Het verzamelen van de case studies moet de mogelijkheid bieden om een zicht te krijgen op de levensomstandigheden in België, de motieven om terug te keren naar het land van herkomst, het verloop van het terugkeerproces en de toekomstperspectieven.

### ③ **Onderzoek naar de migratiemotivatie van de Russisch-sprekende gemeenschap**

Een belangrijk aspect van het actie-onderzoek is het bestuderen van de migratiemotivatie van de Russisch-sprekenden binnen de trajecten Russische Federatie - België en België - Russische Federatie. Het terreinbezoek wordt aangewend om onderzoeksgegevens rond deze thematiek en relevante literatuur op te sporen.

### ③ **Identificatie van potentiële lokale partnerorganisaties**

Met het oog op de toekomstige activiteiten - verzamelen van informatie uit het land van herkomst en het begeleiden van vrijwillige terugkeerders bij eerste opvang en reïntegratieproces - gebeurt er een eerste identificatie van potentiële partnerorganisaties. Omdat deze partnerorganisaties over de juiste capaciteiten moeten beschikken, is het van belang een persoonlijk contact te hebben met de verantwoordelijken. De samenwerking met de potentiële partners zal worden bepaald door de expertise en de ervaring die ze kunnen inbrengen op vlak van de bovenvermelde activiteiten.

## Identificatie organisaties

Na elk bezoek werd een kort verslag gemaakt van de bespreking. Per organisatie worden de nodige contactgegevens aangebracht en worden ook enkele bevindingen genoteerd met het oog op een eventueel toekomstige samenwerking.

Het voorbereidend werk met betrekking tot informatie over relevante organisaties werd in België verricht. Deze informatie werd gevonden via doorverwijzing door de zelforganisaties van de Russisch-sprekende gemeenschap en door Natalja Estemirova (Memorial - Tsjetsjenië) die eind september een bezoek bracht aan OCIV-Vluchtelingenwerk. Daarnaast werden ook organisaties opgespoord via literatuurstudie en via internet.

### **Ambassade van België in Moskou**

Contactpersoon: Wim Peeters

Ulitsa Malaja Moltsjanovka 7, 121069 Moskou (metro: Arbatskaya)  
Tel: 007 095 780 03 31/38  
moscow@diplobel.be  
wim.peeters@diplobel.be

De contactpersoon is bevoegd voor de volgende activiteiten:

- Opvolging van mensenrechtendossiers: er wordt een analyse gemaakt van de risicofactoren - halfjaarlijks wordt een mensenrechtenfiche doorgestuurd naar België - momenteel zijn er schendingen van de mensenrechten in de Noord-Kaukasus (achterdocht, racisme, geweld)

- Opvolging van NGO's

- Opvolging van de humanitaire hulp in bepaald regio's, zoals bijvoorbeeld de Noord-Kaukasus en

Tsjetsjenië

- Steunverlening via bepaalde projecten, bijvoorbeeld via UNICEF aan kinderen te Beslan

- Opvolging van de situatie in Wit-Rusland

De ambassade verleent bijstand aan Russen die het Belgische grondgebied wensen te betreden (er worden jaarlijks 14 000 visa afgeleverd - hierop geldt een streng toezicht, men moet zich persoonlijk presenteren) en aan personen met een Belgisch paspoort in de Russische Federatie. Indien bijvoorbeeld Russen met een Belgisch paspoort vrijwillig wensen terug te keren en zij wensen administratieve ondersteuning (bijvoorbeeld bij registratieproblemen) te verkrijgen, dan kunnen zij terecht bij de ambassade.

In de Noord-Kaukasus zijn er problemen rond de authenticiteit van documenten en de waarheidsgetrouwheid van de verhalen. In Tsjetsjenië werden alle archieven vernietigd waardoor de identiteit van personen niet meer kan worden nagegaan. Dit levert moeilijkheden op voor Tsjetsjenen, ook al kan hun verhaal de waarheid zijn. Andere nationaliteiten maken daarentegen "gebruik" van deze situatie.

Reïntegratie is sterk afhankelijk van de regio waarnaar men terugkeert. De ervaring van de ambassade is dat iedereen in Moskou wil wonen, wellicht ook de meeste terugkeerders. Momenteel wonen er 11 miljoen mensen op officiële basis in Moskou; in realiteit zijn dat er 14 miljoen. De ambassade kan een lijst bezorgen van de Belgische bedrijven die in de Russische Federatie opereren (lijst is niet exhaustief).

De voorbije jaren is de situatie in de Russische Federatie veranderd. Met betrekking tot de persvrijheid werden stappen terug gezet, maar ook omtrent de oprichting (is niet eenvoudig) en financiering van NGO's (zeker NGO's die de Russische overheid in een negatief daglicht kunnen plaatsen). Sinds juli 2004 werd aangekondigd dat deze wetgeving zal worden aangepast. Deze aanpassing is gegroeid vanuit een achterdocht van de overheid ten aanzien van NGO's, waardoor zij in de toekomst strenge controle zullen krijgen op de financiering vanuit het buitenland. Een speciale commissie zal hierover oordelen. De wet is nog niet in voege, maar kan in de praktijk al worden toegepast. Eventueel kunnen transacties verlopen via buitenlandse rekeningen. Verdere informatie kan worden verkregen via de Russische ambassadeur in België.

**De mogelijkheden tot reïntegratie zijn regionaal gebonden.**

**Strenger beleid op vlak van persvrijheid, en oprichting en financiering van NGO's.**

**Samenwerking:** De ambassade kan een interessant contactpunt zijn voor Russen die de Belgische nationaliteit hebben verworven en die terugkeren naar hun land van herkomst. Daarnaast kunnen we ook gebruik maken van de lijst van Belgische bedrijven in de Russische Federatie. Dit kan eventueel interessant zijn in de zoektocht naar tewerkstelling voor terugkeerders.

**Caritas (European part of Russia)**

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Caritas heeft in de Russische Federatie vier kantoren: Moskou (2), Kaliningrad (1) en Sint-Petersburg

(1). Gedurende 12 jaar werd ervaring opgebouwd in het werken met migranten. Het gaat hierbij voornamelijk om het verlenen van materiële en sociaal-psychologische hulp. Men opteert dus voor een praktische benadering van de hulpverlening, ook al is dit in de realiteit niet altijd eenvoudig uit te voeren. Het werk van Caritas wordt bemoeilijkt door de grote afhankelijkheid van de staat, naast de tegenwerking van de Russische maffia en de link van sommige Caritas-medewerkers met de voormalige KGB.

Caritas geeft consulting (in dit kader wordt ook samengewerkt met Civic Assistance) aan migranten binnen de migratiediensten van de Russische Federatie, waardoor het werk ook via deze weg opnieuw afhankelijk is van de overheid. Naast de consulting wordt ook aan voedselbedeling gedaan. Er zijn momenteel geen financiële middelen om structurele hulp te bieden. Binnen de activiteiten van Caritas wordt aandacht geschonken aan de volgende elementen: netwerkvorming, teamwork, stimuleren van dialoog. Met betrekking tot het stimuleren van de dialoog worden trainingen georganiseerd voor migrantengroepen. Doorheen therapeutische sessies wordt ook gewerkt aan het verhogen van de zelfredzaamheid en de verantwoordelijkheidszin van migranten.

Omtrent het reïntegratieproces is Caritas ervan overtuigd dat er voldoende arbeidsmogelijkheden zijn in Moskou. Indien iemand verschillende jaren in het buitenland verbleef, stijgen de arbeidskansen, maar dit kan het best goed voorbereid worden voor het vertrek.

Binnen de vrijwillige terugkeer vanuit België kan Caritas instaan voor de sociaal-psychologische begeleiding, meer bepaald door het organiseren van groepswork en therapieën (werken aan communication skills en community building). De therapie wordt dan in een bepaalde periode georganiseerd; voor de deelnemers wordt voor een overnachtingsplaats gezorgd.

**De kansen op tewerkstelling zijn voor terugkeerders groter omwille van hun buitenlandse ervaringen. De zoektocht naar een job dient voor het vertrek te worden gestart.**

**Samenwerking:** Caritas kan ingeschakeld worden voor de sociaal-psychologische begeleiding van terugkeerders. Er kan geen individuele ondersteuning worden geboden, wel therapeutische groepsessies.

### **Committee Civic Assistance Refugees and Forced Migrants**

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Deze organisatie is de oudste en meest actieve die zich richt tot de vluchtelingenproblemen in Rusland. Het Committee werd opgestart in 1990 toen vluchtelingen uit Armenië en Azerbeidjan naar Moskou trokken en wordt ondersteund door het UNHCR. De Russische overheid onderneemt geen stappen om deze mensen te begeleiden in hun terugkeer, maar wil er zo snel mogelijk vanaf geraken. In bepaalde regio's wordt gepoogd om mensen door administratieve uitsluiting van het grondgebied te verdrijven. Civic Assistance biedt de volgende ondersteuning: advies, onderhandelingen, rechtshulp, zoektocht naar huisvesting, en tewerkstelling, educatie, financiële hulp. De nadruk ligt vooral op juridische ondersteuning: jaarlijks doen de betrokken advocaten 22 000 consultaties. Het Civic Assistance-netwerk verenigt de "cellen netwerking" van 56 organisaties, verspreid over de



ganse Russische Federatie. Bijvoorbeeld: de cel “netwerking” van Memorial behoort tot het Committee Civic Assistance en wisselt een aantal diensten uit met de cellen van andere organisaties. De coördinatie van het netwerk ligt bij Memorial, waarbij het ondersteuning krijgt van ondermeer UNHCR en ECRE (Memorial werd in 2003 ook lid van ECRE).

**De Russische overheid neemt geen initiatieven om te voorzien in de opvang en begeleiding van terugkeerders.**

**Samenwerking:** De organisaties die verbonden zijn aan het Civic Assistance-netwerk zijn op verschillende domeinen actief en kunnen daardoor de nodige ondersteuning geven aan terugkeerders: juridische begeleiding, zoektocht naar huisvesting en tewerkstelling, educatie, financiële hulp.

### **Forum van Migrantenorganisaties**

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In 1993 - na het einde van de USSR - ontwikkelde zich een enorme migratiestroom. Dit leidde tot het ontstaan van het Forum in 1996, dat momenteel 198 migrantenorganisaties verenigt in de ganse Russische Federatie. Door het samenbrengen van die migrantenorganisaties wil het Forum de krachten bundelen om ervaringen uit te wisselen en om te ijveren voor de bescherming van rechten voor migranten. Het Forum heeft een samenwerking met ECRE. Binnen deze samenwerking werd bijvoorbeeld een opvangcentrum ontwikkeld met juristen, psychologen, arbeidsconsulenten. Dit was een project voor twee jaar. De slogans van het Forum zijn: “Migranten zijn een voordeel voor de Russische Federatie” en “Het is beter om de Russen in de Russische Federatie te helpen zodat ze niet moeten migreren”. Tot 1999 was het Forum een groeiende organisatie, maar omwille van moeilijkheden rond de lokale steun, de financiering, de politieke tegenkanting en de strengere migratiewetgeving, was er een daling van het aantal activiteiten. Het Forum is de enige koepelorganisatie van migranten in de Russische Federatie. Vanuit de Noord-Kaukasus en Tsjetsjenië zijn er ook organisaties die willen aansluiten. Het Forum is gevestigd binnen het gebouw van de “Literaturnaya Gazeta”, dit is de meest populaire krant die als eerste over vluchtelingen en migranten berichtte.

De verstrengde wetgeving tegenover migranten is een belangrijk item waarrond binnen het Forum wordt gewerkt. Er werd bijvoorbeeld een congres georganiseerd om deze situatie aan te pakken. Indien migranten het Russische burgerschap hebben verloren, dan is dit een verloren zaak. Het is dan uitermate moeilijk om een registratie te krijgen, evenals alle privileges die daaraan verbonden zijn (sociale ondersteuning, medische verzekering, steun voor kinderen, bouwkrediet). Men kan dan enkel overleven door zwartwerk. Hebben terugkeerders vanuit België nog het Russische burgerschap?

Het Forum heeft ervaring met terugkeerders uit de USA. Ze hadden vooral problemen met het vinden van huisvesting omdat ze hun woning voor hun migratie hadden verkocht. Terugkeer naar Kazachstan wordt als mogelijk beschouwd omdat de economische situatie beterschap kent. Het Forum heeft geen concrete ervaring met betrekking tot begeleiding. Maar indien er praktische informatie kan worden gegeven over de terugkeerder, dan kan zeker gezorgd worden voor een individuele oriëntatie. Het is ook zeker dat personen met een hoge opleiding en een westerse achtergrond meer kansen hebben op de arbeidsmarkt. Daarnaast is ook de regio waarnaar de migrant terugkeert belangrijk. Er zijn grote regionale verschillen, en de aanpak die misschien van tel is voor Moskou, is dat niet altijd in een andere regio. Doordat de lidorganisaties werkzaam zijn op regionaal vlak, kunnen deze informatie doorgeven die nuttig kan zijn voor terugkeerders. Daarnaast kunnen zij ook een rol spelen bij het verlenen van juridische hulp, het zoeken naar tewerkstelling, het aanknopen van lokale

contacten, het zoeken naar een tijdelijk logement. Er zou bijvoorbeeld een informatiebrochure kunnen ontwikkeld worden. Sommige organisaties hebben programma's met betrekking tot het opstarten van een onderneming waarin ze trainingen en begeleiding geven. Het opstarten van een eigen onderneming vraagt echter veel investeringen; er is veel concurrentie en politieke tegenkanting.

Bij het ontwikkelen van een terugkeerproject met aandacht voor reïntegratie is het belangrijk te weten dat de Europese aanpak verschillend is van de Russische.

Het Forum wil aan de Russische overheid het idee van een regularisatiecampagne voorstellen, gericht naar de illegalen uit de ex-USSR. Nu moeten deze mensen een administratieve procedureslag doorlopen.

**Personen die het Russische burgerschap hebben verloren, kunnen heel moeilijk een registratie bekomen. Geen registratie betekent geen legaal verblijf en geen sociale en financiële privileges.**

**De Europese en Russische aanpak zijn verschillend!**

**Reïntegratie via het opstarten van een kleine onderneming? Dit vraagt de nodige investeringen, en men wordt geconfronteerd met problemen zoals concurrentie en politieke controle.**

**Samenwerking:** De lokale migrantenorganisaties kunnen een belangrijke rol opnemen in de persoonlijke oriëntatie van terugkeerders. Daarnaast zou er ook een informatiebrochure kunnen samengesteld worden met algemene en regionale informatie ter ondersteuning van de terugkeer.

## IOM

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IOM is de enige organisatie (sinds 1992 - nu: 200 medewerkers in Moskou) in de Russische Federatie die werkzaam is rond terugkeer en reïntegratie. De Russische Federatie functioneert niet alleen als herkomstland, maar ook als transit- en bestemmingsland. Totnogtoe betrof de terugkeer voornamelijk CIS-landen<sup>1</sup>, maar er zijn plannen om de aandacht ook te richten op West-Europa. IOM werkt zoveel mogelijk samen met NGO's (IOM gebruikt een gids met een overzicht van alle lokale NGO's) zoals het Rode Kruis, Memorial en het Forum van Migrantenorganisaties, maar ook met de verschillende overheidsinstanties. IOM werkt bijvoorbeeld samen met de ambassade van België in Moskou. In de samenwerking met de NGO's is het niet eenvoudig om het contact rond bepaalde begeleidingen te behouden. Hierdoor ontbreekt ook de follow-up in terugkeerdossiers. De meeste terugkeerders willen ook geen contact meer met IOM. Een mogelijkheid om het contact te behouden zou kunnen gerealiseerd worden door het uitbetalen van de installatiepremie in verschillende fases.

<sup>1</sup> Commonwealth of Independent States (CIS) was created in December 1991. At present the CIS unites: Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine. In 2004 zijn 153 personen vrijwillig teruggekeerd vanuit België met begeleiding van IOM. Hiervan hadden 113 personen asiel aangevraagd in België; 40 personen waren niet-asielzoekers.

Activiteiten:

- Direct Assistance programs met advies, medische hulpverlening, reïntegratie,...
- Resettlement to other countries, voornamelijk Amerika en Australië. Dit programma loopt in samenwerking met Memorial en richt zich tot bepaalde doelgroepen, bijvoorbeeld Russen van Armeense origine of andere etnieën die te kampen hebben met discriminatie. Zij krijgen begeleiding in hun migratieproces.
- Programma's rond capacity building in Oekraïne en Kazachstan.

- Arbeidsmigratie, en meer specifiek ondersteuning bij het bekomen van een werkvergunning. Er werd een praktische gids opgesteld die in het kader van arbeidsmigratie voor de Russische Federatie kiezen. Hiervoor werden onderzoeksgegevens verzameld van de huisvestings- en arbeidsmarkt.
- Project in samenwerking met Finland (Helsinki) in het kader van arbeidsmigratie voor personen die gedurende een bepaalde periode in het buitenland willen werken en daarna terugkeren naar de Russische Federatie. Momenteel loopt er een proefproject van 30 testcases. Dit project speelt in op de immense economische migratie vanuit de Russische Federatie (vooral de Kaukasusregio).
- Onderzoekswerk naar het fenomeen migratie, specifiek naar de Russische Federatie. Hiervoor werd een werkgroep opgericht met academici. Ook IOM België is een betrokken partner.
- Begeleiding van personen voor wie de Russische Federatie is een transitland is.
- Specifiek programma voor jonge vrouwen die het slachtoffer zijn van mensenhandel (Balkan). Er is begeleiding door de lokale IOM-partner om een veilige terugkeer voor te bereiden. In het land van herkomst wordt een installatiepremie voorzien en is er ondersteuning in de zoektocht naar werk, naast medische en psychologische bijstand. Er is een rehabilitatiecentrum in Moskou.
- Opmaak van fiches met een overzicht van mogelijkheden tot reïntegratie, per regio (in totaal zijn er 98 regio's) (deze fiches zijn in voorbereiding).
- Organisatie van informatiecampagnes over migratie, niet enkel voor de inwoners van de Russische Federatie maar ook voor de overheid en reisagentschappen. Enkele jaren geleden was de asielwetgeving in België een aantrekkingsfactor. Ondertussen werd de wetgeving aangepast, maar sommige instanties vertellen nog steeds het oude verhaal. Dit werd bevestigd door het onderzoekswerk dat door twee journalisten werd uitgevoerd. De resultaten en de correcte informatie werden via de media verspreid.
- Vrijwillige terugkeerprogramma's naar Oekraïne, Moldavië en Vietnam.
- Onderzoek naar de veiligheid in bepaalde regio's zoals bijvoorbeeld Tsjetsjenië.
- Er is een voortdurend overleg met het Ministerie van Binnenlandse Zaken over bovenstaande activiteiten.

De grootste moeilijkheid bij het reïntegratieproces is de mogelijkheid tot tewerkstelling - naast het reïntegratieprobleem en het vinden van huisvesting - in de herkomstregio. Voor de CIS-landen wordt een programma ontwikkeld om ondersteuning te geven bij het opstarten van een kleine onderneming. Hierbij worden ook trainingen georganiseerd en werd een systeem van microkredieten opgezet. Het nodige startkapitaal wordt voorzien door de overheid van het land waar de migrant verbleef en varieert van 5000\$ tot 10 000\$. Er wordt ook aan gedacht om een vergelijkbaar programma op te zetten om migratie te voorkomen. In de Russische Federatie bestaan er organisaties die microkredieten verlenen, maar die richten zich vooral naar de reeds gevestigde ondernemingen.

**IOM doet geen follow-up van terugkeerders. Terugkeerders willen zo snel mogelijk dit contact verbreken.**

**Reisagentenschappen in de Russische Federatie “verkopen” België nog steeds als het land voor migranten.**

**Samenwerking:** IOM is vragende partij om een samenwerkingsakkoord af te sluiten. Er kan op verschillende vlakken worden samengewerkt:

- direct assistance programs
- capacity building
- onderzoekswerk rond migratie
- regionale reïntegratiefiches
- veiligheid
- opstarten van een kleine onderneming

### **Human Rights Center “Memorial”**

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Oorspronkelijk was de organisatie Memorial werkzaam rond de bescherming van mensenrechten. Memorial heeft verschillende afdelingen die naast het thema mensenrechten ook bezig zijn met de rechten van voormalige gevangenen. De organisatie verkreeg een officiële erkenning in 1991 na tal van acties tegen gevangenschap van politieke gevangenen van de ex-USSR.

De activiteiten rond mensenrechten concentreren zich voornamelijk in conflictzones (= hot spots) in de Russische Federatie, naast de aandacht voor de bescherming van vluchtelingen en slachtoffers van discriminatie en politieke vervolging. Hiervoor werden verschillende programma's opgezet.

Om de situatie in conflictgebieden (in ganse ex-USSR) te onderzoeken, werden observatieposten opgesteld en gegevens verzameld. Deze gegevens worden in Moskou geanalyseerd. Hieraan worden verschillende acties evenals mediabeïnvloeding gekoppeld.

Op vlak van vluchtelingen werden de volgende activiteiten ontwikkeld:

- opstart van een netwerk ter ondersteuning van vluchtelingen (Civic Assistance-netwerk)
- samenwerking met de Europese koepelorganisatie ECRE en UNHCR
- 40 ondersteuningscentra voor vluchtelingen in Rusland
- onderzoekswerk naar de migratiesituatie in verschillende regio's
- onderzoekswerk naar de niet-naleving van de wetgeving
- organisatie van seminars rond de wetgeving en opportuniteiten voor vluchtelingen

Memorial heeft ervaring op vlak van hulpverlening aan terugkeerders uit Duitsland en Zwitserland. De betrokken personen werden bijna allen om dezelfde reden uitgewezen: ze hadden geen geldige argumenten om asiel aan te vragen en beschikten over valse papieren. De Russische gemeenschap is gevoelig voor verzinsels, waardoor velen hun asielverhaal uitvinden. Zo werd bijvoorbeeld een jonge man uitgewezen uit Duitsland, die vertelde dat zijn vader werd gemarteld in een kamp in Ingoesetië en die bang was dat hem hetzelfde zou overkomen. Het gegeven van de marteling werd nagegaan en bleek niet te kloppen. De jonge man had het verhaal verzonnen en werd uitgewezen.

In een dergelijke situatie tracht Memorial de betrokken persoon te ontmoeten evenals de familie in het herkomstland. Daarnaast worden voorbereidingen getroffen voor de terugkeer en wordt een rapport opgemaakt.

Memorial vindt het terugkeeraanbod van IOM te beperkt en wil meewerken aan de uitbouw van een aanbod dat beter is afgestemd op de behoeften van de terugkeerders. Zowel de informatie over de situatie in het land van herkomst als de veiligheidsgarantie moeten op het moment van de terugkeer duidelijk zijn. Memorial werkt samen met IOM op vlak van begeleiding van personen die het recht hebben gekregen om naar de USA te migreren. Er werkt een vertegenwoordiger van IOM binnen Memorial om personen die in een slechte situatie verkeren, te helpen om naar de USA te migreren. Het gaat hierbij vooral om personen van Armeense en Joodse origine.

De federale migratiedienst is sinds 1999 in herstructurering en behoort niet meer tot het Ministerie van Binnenlandse Zaken, maar wel tot de afdeling politie. De herstructurering blijft duren en veroorzaakte een chaos op deze dienst. Voor terugkeerders betekent dit dat het moeilijk is om een paspoort te verkrijgen. De Russische Federatie verleent certificaten waarin het de bereidheid aantoont om de terugkeerder te ontvangen. In werkelijkheid wordt de terugkeerder echter in verdenking gesteld en is het moeilijk om de bevestiging van Russische onderdaan te krijgen. Het certificaat wordt niet als bewijs aanzien.

*Illustratie:*

Een Russische man uit Georgië werd uit Zweden gerepatriëerd naar de Russische Federatie. Hij werd er twee keer gearresteerd wegens gebrek aan registratie en kwam daardoor op de verdachtenlijst terecht. Hij moest onderduiken en woonde 1 jaar illegaal in een bos tot hij in contact kwam met Memorial. Memorial schreef een brief naar de Zweedse ambassade en kon hem laten verwijderen van de verdachtenlijst (dit duurde 1 jaar). De man is teruggekeerd naar Zweden en heeft er opnieuw asiel

aangevraagd. Met de steun van Memorial heeft hij een erkenning gekregen. Hij heeft Zweeds geleerd en heeft een job gevonden.

*Illustratie:*

Een Georgische man, afkomstig uit Abchazië, heeft jarenlang gewerkt in Moskou en werd getroffen door kanker. Hij wou terugkeren maar kon met zijn oud USSR-paspoort de grens niet oversteken. Met behulp van Memorial werd een begeleiding op de luchthaven voorzien en werd de toestemming gegeven van het Ministerie van Buitenlandse Zaken (om problemen met de grenswacht te vermijden). Maar aan de grens was niemand hiervan op de hoogte. Memorial kon toch onderhandelen en de man laten vertrekken.

Memorial had tot nu toe slechts één ervaring met een terugkeerder vanuit België. Het ging om een Tsjetsjeense man die leefde met een achtervolgingswaan en angst voor vergiftiging. Met behulp van Memorial is de man teruggekeerd naar Tsjetsjenië, maar het contact werd verbroken. Verder heeft Memorial geen kennis van organisaties in Moskou die contact hebben met terugkeerders uit België. Keren ze op zelfstandige basis met behulp van verwanten terug?

In de Russische Federatie bestaan er geen voorzieningen voor sociale huisvesting, ook niet voor een korte periode. Het beschikken over een woning betekent een registratie, en een registratie is van belang voor het beschikken over rechten. Geen woning betekent geen registratie, geen registratie betekent geen rechten. Dit vergt grote inspanningen voor jonge en voor minder gegoede personen, waardoor verschillende families of verschillende generaties dikwijls één appartement moeten delen. De overheid doet geen enkele inspanning om deze situatie aan te pakken.

Voor terugkeerders betekent dit dat zij over een huis moeten beschikken in de Russische Federatie of bij familie of vrienden moeten terecht kunnen. In elk geval moeten zij voor hun effectieve terugkeer een onderdak kunnen regelen. Er zijn geen sociale diensten die op dit vlak ondersteuning kunnen bieden. Enkele jaren terug wou Memorial een open huis opstarten voor terugkeerders, maar ze beseften snel dat de mensen er zouden blijven wonen. Uiteindelijk werd dit idee niet gerealiseerd.

*Illustratie:*

Op een bepaald moment diende een vrouw terug te keren uit Duitsland. Ze was afkomstig uit Azerbeidjan maar werd naar Moskou gestuurd. Ze had geen familie of verwanten in Moskou, enkel het adres van Memorial. De medewerkers van Memorial wisten aanvankelijk niet hoe ze dit probleem dienden aan te pakken. Deze vrouw kreeg door bemiddeling van Memorial een plaats in een opvangcentrum, dat normaliter enkel voor Moskoviëten toegankelijk is. Ze kreeg de toelating om er een korte periode te verblijven in de periode dat ze zocht naar een woning. Maar ze integreerde zich goed in het centrum en hielp bij het poetsen. Uiteindelijk verbleef ze drie jaar in het opvangcentrum. Met behulp van de Amerikaanse ambassade is ze vertrokken uit Moskou en gevlucht naar de USA.

Memorial heeft afspraken met het Ministerie van Tewerkstelling met betrekking tot het doorsturen van vacatures, om werklozen te helpen zoeken naar een geschikte job. De moeilijkheid is dat de verschillen tussen de arbeidscondities in de Russische Federatie zeer groot zijn. In veel gevallen zijn de werkomstandigheden ronduit slecht, waardoor mensen beledigd zijn wanneer ze daarheen worden gestuurd. Het opstarten van een eigen onderneming is geen realistische optie. Er zijn heel wat licenties nodig, er moet een ganse bureaucratie doorlopen worden en in vele gevallen wordt er ook smeergeld gevraagd.

**De Russische gemeenschap laat zich gemakkelijk leiden door vertelsels en fantasieverhalen.**

**Na een herstructurering werd de federale migratiedienst ondergebracht bij de Russische politie (vroeger: Ministerie van Binnenlandse Zaken).**

**Terugkeerders worden in verdenking gesteld en hebben daardoor moeilijkheden om een paspoort te krijgen.**

**Het vinden van huisvesting is een groot probleem, zeker voor terugkeerders. Velen hebben voor de migratie hun huis verkocht en kunnen nergens meer terecht. Geen huisvesting betekent geen registratie. De overheid voorziet ook niet in sociale**

## huisvesting.

**Samenwerking:** Memorial heeft concrete ervaring met hulpverlening aan terugkeerders uit West- Europa (Duitsland en Zwitserland), die ook in het pilootproject kan worden aangewend. Memorial wil actief meewerken aan een terugkeeraanbod dat beter is afgestemd op de behoeften van de terugkeerders.

## Moscow Helsinki Group

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De Moscow Helsinki Group is één van de oudste organisaties - gesticht in 1976 - in de Russische Federatie die werkzaam is rond mensenrechten. Deze organisatie is een netwerkorganisatie die verschillende diensten levert ten aanzien van NGO's (vooral werkzaam rond mensenrechten) in de ganse Russische Federatie. Deze diensten situeren zich vooral op organisatorisch, educatief en informatief vlak. De MHG wordt beschouwd als een expert op gebied van mensenrechten, vooral met betrekking tot de Noord-Kaukasus en Tsjetsjenië (Tsjetsjenië kant op dit moment geen veiligheid - er worden mensen vermoord en gemarteld). Rond verschillende aspecten worden rondetafels, conferenties, expert meetings georganiseerd en worden publicaties uitgegeven. Een voorbeeld van een publicatie is het jaarlijks rapport over de mensenrechtensituatie in de Russische Federatie. Dit rapport wordt als belangrijke informatiebron aanzien door de UN, de Europese Commissie, de OSCE, verschillende ambassades en overheden. Daarnaast wordt er ook politiek lobbywerk geleverd ten aanzien van de verschillende overheden in de Russische Federatie. De aandacht gaat nu vooral uit naar de situatie in Tsjetsjenië. De informatie wordt verzameld door lokale correspondenten van Human Right Watch en Memorial.

Met betrekking tot terugkeer is het belangrijk te weten dat er discriminatie is ten aanzien van Tsjetsjenen en personen afkomstig uit de Noord-Kaukasus. Aan deze personen wordt geen ondersteuning gegeven door de Moscow Helsinki Group, wel door het Comité Civic Assistance. Er bestaat wel een samenwerking met Noorwegen over de follow-up van terugkeerders, maar dit project is eerder beperkt. De Moscow Helsinki Group wil in de toekomst ook meer aandacht vestigen op de situatie van terugkeerders. De grootste belemmering voor een vlotte terugkeer is het registratieprobleem! Er zijn reeds contacten in België met: DVZ (= migratiedienst?), Pax Christi, Artsen zonder Grenzen en Caritas.

## In de Russische Federatie worden personen afkomstig uit de Noord-Kaukasus en Tsjetsjenië gediscrimineerd.

**Samenwerking:** Indien de aandacht van de Moscow Helsinki Group in de toekomst ook zal gevestigd worden op terugkeer, dan kan deze organisatie een interessante partner vormen op gebied van:

- Verlenen van informatie over de veiligheidssituatie in de herkomstregio
- Follow-up van terugkeerders
- Functioneren als contactorganisatie voor terugkeerders

Op dit moment kan de Moscow Helsinki Group informatie doorgeven aan OCIV- Vluchtelingenwerk over de situatie in Tsjetsjenië en ondersteuning bieden in individuele dossiers.

## Office of the Commissioner for Human Rights in the Russian Federation

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Deze instantie is het hoogste Russische staatsorgaan omtrent mensenrechten. De huidige problemen die zich voordoen rond schending van mensenrechten betreffen terroristische acties. Andere organisaties (NGO's, internationale organisaties) die rond dit thema werken zijn onafhankelijk, maar er wordt samengewerkt. Daarnaast bestaat er ook nog een regeringscommissie rond mensenrechten. De ombudsdienst hanteert een specifieke kennis over mensenrechten in de Russische Federatie en beschikt over publicaties en alle nodige informatie over dit thema.

Dit orgaan (180 medewerkers) is een ombudsdienst (sinds 1992), die een controle uitoefent op de respectering van de mensenrechten en allerhande gerechtelijke procedures behandelt. Per dag komen er 400 klachten binnen van Russische burgers rond tal van thema's die door hooggekwalificeerde advocaten worden behandeld. Er is individuele en gratis consulting.

Met betrekking tot migratie bestaat er reeds een samenwerking met IOM; er zijn nog geen contacten in België. In het kader van de vrijwillige terugkeer kan er samengewerkt worden. Er zou bijvoorbeeld een brochure kunnen worden opgesteld met informatie over juridische aspecten en mensenrechten.

**Samenwerking:** De ombudsdienst kan instaan voor de individuele juridische consulting van terugkeerders en voor een ondersteuning op vlak van informatie rond mensenrechten. In dit kader kan bijvoorbeeld een informatiebrochure worden ontwikkeld.

## UNHCR

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UNHCR heeft niet te maken met terugkeer van uitgeprocedeerden of illegale migranten, wel met de terugkeer van personen die een erkenning kregen als vluchteling. Bij hun terugkeer krijgen deze personen een informatiepakket over de begeleiding die ze ter plaatse kunnen ontvangen. Voor UNHCR moet de terugkeer gebeuren in "safety and dignity" en moet er een link worden gemaakt met reïntegratie. Voor bepaalde landen, en in overleg met hun regeringen, voorziet UNHCR bij de terugkeer in de kosten van een vliegtuigticket, financiële ondersteuning en specifieke reïntegratieprogramma's. De financiële ondersteuning is afhankelijk van het land waarnaar men terugkeert, voor Irak is dat bijv. 60\$ per persoon, voor Afghanistan 20\$ per persoon. De financiële ondersteuning mag niet de enige stimulans zijn; er moet ook werk worden gemaakt van degelijke begeleiding in de transitieperiode (zoektocht naar huisvesting, opleiding, job). De zelfredzaamheid wordt hierbij centraal gesteld. Al deze elementen zijn veel moeilijker te realiseren in conflictzones; daar wordt de nadruk gelegd op voedselhulp, juridische begeleiding en opvang.

Het grootste probleem dat zich stelt bij terugkeer naar de Russische Federatie is de registratie. Hiervoor hebben terugkeerders ondersteuning nodig! De registratie moet gebeuren bij de lokale overheid. Indien de registratie niet in orde kan worden gebracht, kan er geen werk worden gemaakt van het reïntegratieproces. Bij langdurige afwezigheid is er ook "orientation counselling" vereist om het reïntegratieproces op te starten. De reïntegratie verbinden aan het opstarten van een eigen onderneming is een interessante piste, maar hierbij dienen ook de nodige trainingen, financiële ondersteuning (eventueel via microkrediet) en ondersteuning door een lokale partner te worden voorzien. De trainingen kunnen beter in de Russische Federatie dan in België georganiseerd worden, en moeten ook afgestemd worden op het opleidingsniveau en het profiel van de terugkeerder. Voor de Russische Federatie moet er zeker rekening gehouden worden met het feit dat er tal van taksen moeten betaald worden bij het opstarten van een onderneming.

Met betrekking tot migratie vanuit de Russische Federatie naar de Europese Unie dient rekening gehouden te worden met een veranderde situatie door de EU-uitbreiding. Daar waar bijvoorbeeld Polen steeds een transitland was, is het nu ook een bestemmingsland geworden. Dit kan invloed hebben op de migratiestroom naar België.

Een interessante contactorganisatie is Faith, Hope, Love. Deze organisatie heeft haar hoofdkantoor in het UN-kantoor en heeft een vestiging in het Kaukasusgebied. De organisatie is lid van het Memorial-netwerk en werkt voornamelijk met personen van de Russische Federatie, Georgië en Armenië. Eventueel is dit een interessant contact in het kader van monitoring van terugkeerders.

Volgens UNHCR is het initiatief dat OCIV-Vluchtelingenwerk neemt aangaande de vrijwillige terugkeer naar de Russische Federatie en reïntegratie, het eerste in haar soort vanuit West-Europa.

**Bij terugkeer mag er niet alleen een financiële stimulans zijn, maar moet de terugkeerder ook begeleid worden in zelfredzaamheid.**

**Het reïntegratieproces kan niet gestart worden indien er geen registratie is.**

**Na langdurige afwezigheid in het land van herkomst kan het zinvol zijn om te voorzien in orientation counselling.**

**Het opstarten van een eigen onderneming kan niet zonder het aanbod van trainingen, financiële ondersteuning en de begeleiding van een lokale partner.**

**Samenwerking:** UNHCR kan zich niet engageren als actieve partner maar is wel bereid om advies te geven bij de ontwikkeling van een terugkeerprogramma.

### Algemene slotbeschouwing

OCIV-Vluchtelingenwerk is de eerste organisatie uit België die een terreinbezoek organiseerde naar de Russische Federatie in het kader van de vrijwillige terugkeer en verrichtte daardoor volgens de zelforganisaties van de Russische gemeenschap en de bezochte organisaties in Moskou een belangrijk pionierswerk. Men heeft met andere woorden geen weet van eerder genomen gelijkaardige initiatieven.

- Het is dus belangrijk te bekijken hoe de verzamelde informatie ter beschikking wordt gesteld van andere organisaties en van de Russisch-sprekende gemeenschap.

Belangrijk pionierswerk, vooral omdat het terugkeeraanbod van IOM niet toereikend is (volgens de Russisch-sprekende gemeenschap) en omdat er een behoefte bestaat aan een degelijk, intensief en op maat afgestemd terugkeerproces met aandacht voor reïntegratie. Om een duidelijk zicht te krijgen op de lokale realiteit en om invulling te geven aan een aantal concrete projectopdrachten werd dit terreinbezoek georganiseerd. Het verblijf in Moskou gaf tevens de mogelijkheid om indrukken op te doen en de Russische cultuur te ervaren.

Met betrekking tot het financieel overzicht van het terreinbezoek dient opgemerkt te worden dat het voorziene budget vrij beperkt was:

- Moskou is een zeer dure stad waar aparte (en dus hogere) prijzen worden gehanteerd voor personen afkomstig uit West-Europa. Dit was heel concreet het geval voor de verblijfskosten van het hotel, waar zelfs het dubbele van de normale prijs werd aangerekend.

- In de projectaanvraag werd geen rekening gehouden met een tweede reiziger, nochtans werd de noodzaak hiervan reeds snel duidelijk. Pavel Radjuk werd ingeschakeld omdat hij vertrouwd is met de Russische cultuur en vooral omdat hij de Russische taal spreekt. Hij heeft dus een zeer actieve rol gespeeld bij het maken van de afspraken en bij het tolken tijdens de ontmoetingen. De verwachting dat de verantwoordelijken van de bezochte organisaties ook Engels zouden spreken, werd dus totaal niet ingevuld. Pavel Radjuk was een onmisbare verbindingsfiguur op vlak van taal én cultuur.

- Gedurende de verdere projectontwikkeling zal het financieel element voortdurend meespelen om bepaalde activiteiten al dan niet uit te voeren of verschillende



aspecten te combineren. Vertaalkosten zullen bijvoorbeeld belangrijk blijven. Het terreinbezoek aan Moskou gaf de mogelijkheid om de vier belangrijkste objectieven te realiseren:

▫ *Zoektocht naar een terugkeerconcept voor de Russisch-sprekende vluchtelingengemeenschap*

De moeilijkheden waarmee terugkeerders geconfronteerd worden zijn:

- Registratie: de registratie kan geweigerd worden (wordt vaak willekeurig toegekend) waardoor men gedwongen wordt tot illegaliteit; de registratie is de basisvoorwaarde die moet vervuld worden. Wie bij politiecontrole geen registratiebewijs kan voorleggen, wordt gevangen genomen. Voor terugkeerders kan het moeilijk zijn om een registratie te bekomen omdat zij in het buitenland de Russische overheid in een negatief daglicht kunnen geplaatst hebben.
- Huisvesting: Moskou kent enorme huisvestingsproblemen. Het huren van een woning is duur, een woning kopen is voor velen onbetaalbaar. Wie migreert, verkoopt in vele gevallen zijn woning en wie terugkomt, moet eerst bij vrienden en familie onderdak proberen te vinden. De overheid investeert op geen enkele manier in sociale huisvesting of andere opvangmodaliteiten.
- Tewerkstelling: zeker in Moskou is er voldoende werkgelegenheid en wie op één of andere manier Westeuropese ervaring heeft opgedaan, heeft meer kansen op de arbeidsmarkt. Noot: in de Russische Federatie is het mogelijk om een diploma te “kopen”.
- Opstarten van een onderneming: wie een eigen onderneming wil opstarten, moet over het nodige startkapitaal beschikken en moet taksen en smeergeld betalen. Voor velen is dit onbetaalbaar.

Bij alle aspecten, behalve registratie, moet rekening worden gehouden met een specifieke regionale invulling.

- OCIV-Vluchtelingenwerk dient te bekijken in welke mate de bovengenoemde problemen in samenwerking met de partnerorganisaties kunnen worden aangepakt.

▫ *Verzamelen van case studies*

Zoals reeds eerder gemeld, was er slechts één contact met een teruggekeerde persoon omwille van een gebrek aan follow-up, een gebrek aan contacten in Moskou en het beroepsgeheim van de REAB- partners. Nochtans was het zinvol geweest om met meerdere terugkeerders te spreken over hunterugkeer- en reïntegratieproces. De beschreven case is niet voldoende om bepaalde vaststellingen te doen en kan allerminst veralgemeend worden.

Eventueel kunnen andere manieren gezocht worden om toch nog teruggekeerde personen te contacteren en de nodige gegevens op te vragen. Een mogelijke piste is het inschakelen van de maatschappelijk assistenten die terugkeerders begeleiden. Sommige terugkeerders geven hun e- mailgegevens door waardoor contact kan worden opgenomen. Via de maatschappelijk assistenten zou de vragenlijst kunnen worden doorgestuurd.

- We gaan op zoek naar mogelijkheden om teruggekeerde personen op te sporen en om de follow-up op een gestructureerde manier aan te pakken.

▫ *Onderzoek naar de migratiemotivatie van de Russisch-sprekende gemeenschap*

De bezochte organisaties waren niet op de hoogte van de grote migratiestroom naar België en eerder verrast over het hoge aantal asielaanvragen van personen afkomstig uit de Russische Federatie. Behalve vanuit IOM Moskou worden geen onderzoeken gevoerd naar die migratiestroom. Het terreinbezoek gaf de mogelijkheid om toch enkele interessante nota's te bemachtigen of nieuwe denk pistes te ontwikkelen met betrekking tot de motivatie of de beweegredenen om naar België te migreren. Indien er een volgend terreinbezoek wordt gepland, moet er zeker werk worden gemaakt van een bezoek aan de federale migratiedienst.

- In België worden instanties gecontacteerd die onderzoek uitvoeren met betrekking tot migratie vanuit de Russische Federatie. Tijdens een tweede terreinbezoek moet dit aspect van het project uitgebreider belicht worden.

▫ *Identificatie van potentiële lokale partnerorganisaties*

Het was mogelijk om de best geplaatste en meest interessante organisaties te ontmoeten.

Elke organisatie kan op één of andere manier een specifieke bijdrage leveren aan een terugkeerprogramma en zijn hiertoe ook bereid. Er werd duidelijk aangegeven dat een samenwerking het verschil moet maken voor de terugkeerders en dat deze samenwerking ook financiële consequenties inhoudt. Met andere woorden: een partnership is mogelijk mits duidelijke inhoudelijke, vormelijke en financiële afspraken. Tot slot dient ook rekening gehouden te worden met de strengere wetgeving omtrent financiering van NGO's.

- Er wordt onderzocht welke organisaties in aanmerking komen voor een partnerschap.

Na dit terreinbezoek wordt er werk gemaakt van de verdere ontwikkeling van de projecten:

- het uitdenken van een terugkeerconcept
- het zoeken naar mogelijkheden om case studies te verzamelen
- het verzamelen van literatuur en informatie rond de migratiemotivatie
- het ontwikkelen van enkele samenwerkingsakkoorden

Een tweede terreinbezoek wordt in een latere fase gepland en zal kaderen binnen het pilootproject rond de vrijwillige terugkeer van 20 personen.

## **Section 5**

### **Increasing Refugee Participation in the Field of Voluntary Return**

#### Individual Case Studies

**The following are examples of individual cases from the real experiences of individuals who have been known to the project workers. Most are self-explanatory but some editorial comments have been added. Though many of the stories reveal negative experiences they frequently illustrate what needs to be done to make 'voluntary returns' work**

#### **Mr X – Afghan asylum seeker**

Mr X was a 28-year-old man from Afghanistan; he had been living in Greece for about 2 years as an asylum seeker. He decided to return home to Afghanistan due to the fact that the asylum procedure was taking an unbearably long time, and he had left his wife and three children behind in Afghanistan. He could not be reunited with them because he was not recognised as a refugee in Greece. The absence of his family and the length of time the Greek authority was taking to decide on his application were taking their toll on him emotionally and psychologically. After receiving information about repatriation from the UNHCR and via the Internet he decided to return to Afghanistan. However, he found that there were no agencies to assist him in organising his return trip. Through the efforts of the Afghan community in Athens he was able to get in touch with the Afghan embassy in the UK, which provided him with a passport; this cost him one hundred and fifteen dollars (\$115). In addition, he had to purchase his air ticket, at a cost of five hundred dollars (\$500). He subsequently departed for Kabul

As soon as he arrived at Kabul airport he was arrested and kept in the airport cells. The airport police demanded that he pay them some money before he could be released. He had no money on him so the police advised him to telephone his relatives so they could bring him some money.

They phoned his family to inform them that he was being detained and that they had to pay 6,000 Euros for his release. The family paid this 'blackmail' and then he was released. Mr X tried to sue the police authority and the Ministry of Interior to get his money back. He was told he could not sue, and could not claim his money back; this action was followed by threats by the police against him and his family. In this insecure situation he and all his family came back to Greece and applied for asylum again.

He had faced many different problems when he returned to Afghanistan, e.g. security, lack of housing, food, unemployment, destroyed schools and lack of teachers. There was an atmosphere of gun law, and the group with the most guns ruled.

### **Mr. G - Afghan asylum seeker**

Mr. G from Afghanistan had been living in Greece for about three and half years pending a decision on his asylum application. As there were no jobs and no other means of support, his financial situation became dire. His family in Afghanistan urged him to return home. When he decided to return home to Afghanistan in 2004, his decision was based on the information he had from the UNHCR, the Internet, and the Afghan community in Athens; he had no formal assistance from anyone to support his return journey.

Through the informal support of friends and family he returned home. He started to work in the family food import business (the family had earlier been refugees in Pakistan). His business was located within one kilometre of the Presidential Palace. One day soon after his returned, three armed men dressed in the security forces' uniform arrived at the business premises, ordering the business safe to be opened. The family demanded to know why, as they thought this was 'official.' The armed men gave them their mobile phone to call the security forces headquarters if they wished. When they called the headquarters, the family was told to "solve their problems themselves". The situation became tense and life-threatening as guns were drawn. The safe was opened and the family was robbed of cash worth (about \$17,800) - businesses regularly kept large sums of money with them because in the past most of them lost their life savings and capital when the banks crashed during the war. The security services that were called earlier only sent their officers to the premises after about 2 hours, even though their headquarters is only about 15 minutes walk away. Subsequently, the family left Afghanistan for Pakistan and has no intention of returning because they have great fear for their safety.

### **Miss A - Iraqi asylum seeker**

Miss A. is a single 28-year old Iraqi woman who came to Greece as an asylum seeker in February 2004. She had a brother who was also a refugee in Australia. Living alone in Greece, without her family and support, she could not earn a living and faced financial and psychological problems. While living in Greece she received some financial support from her brother. After a while she became dispirited with her situation in Greece because she was practically begging in order to survive. She decided to return home. Unfortunately there were no agencies she could turn to for assistance in order to return home voluntarily. She could not work, and had no money. Somehow later she went to Jordan; a few months after leaving, she was in contact with friends in Greece, but after that the communication ceased. Her fate and whereabouts are unknown since then.

### **Mr D – Iraqi asylum seeker**

Mr D is a 45- year old man from Iraq; he came to Greece as an asylum seeker from Baghdad. He left his wife and three children behind, hoping that they could join him when his refugee status was decided. He was in Greece for about 3 years before his application for refugee status was refused. His asylum seeker's card was then taken from him and, after that, he could no longer stay and work legally. Mr D decided to return home to his family but he needed some assistance. Unfortunately there was no support for him to organise his return trip. However in June 2004 he managed to return home to Baghdad. Unfortunately less than 2 months after his arrival in Baghdad he was kidnapped for a ransom of \$250,000. Eventually, after 2 weeks of

haggling with the kidnappers and selling everything they had to pay for his release, he was released for a sum of \$45,000. Mr D and his family have since moved to the relatively safer area north of the country; however at present they are internally displaced and not welcomed by the local population. They are at some risk and living with the trauma.

### **Mr H – Iraqi asylum seeker**

Mr H was a 25-year-old single man from Iraq; he came to Greece as an asylum seeker, and stayed in Greece for about 2 years before his application for asylum was refused. When his future in Greece became bleak his family in Iraq urged him to return home. He requested assistance in order to be able to return home but there was no support to assist him. However he managed to return home without assistance in August 2004. He found work in a restaurant. While working there, one day in October 2004, less than 2 months after his returned home, he was kidnapped with his employer and another employee as they left work for the day. No ransom was demanded, however three days later the family received a call from the hospital to inform them they had a few unidentified corpses in their morgue; later that day his family identified his body at the morgue. He had been beheaded. The apparent reason for their murder was that the restaurant serves American soldiers. Following this painful experience his entire family left Iraq for Turkey in December 2004.

### **Mr S – Sudanese asylum seeker**

Mr S is a 24 year old man from Sudan; he was politically active as a student in Sudan. Because of his political activities he was arrested and tortured a few times. He was conscripted into the militia and sent to a training camp in preparation for sending him to the so- called 'jihad'. As a conscientious objector to the war he escaped from the training camp and managed to find his way to Western Sudan where he crossed to Libya. He left Libya on a boat bound for Italy. Sometime during the journey he and others were told to disembark. Soon after they were arrested, and only then they realised that they were in Greece.

He was detained for 3 months, and then he was given deportation notices and advised to go to Athens if he wished to apply for asylum. Pending the decision on his asylum claim he squatted with others who were in the same situation in an abandoned house without electricity and running water. He tried to survive by queuing in Athens Square in the hope of being picked up for daily labour. He became desperate and angry, and started considering going back to Sudan. He felt the inhumane conditions in which he was living were driving him crazy and he might as well go back home and face any fate that awaited him. He believed that the worst that could happen to him at home was death, and that if he continued to live as he was living in Greece he would definitely die. Even his return to Sudan was extremely difficult as he had no travel documents and there was no Sudanese embassy in Greece. There were no official agencies in Greece to assist him to return home. In spite of the problems at home he sought the help of his family to send him a passport and money for his travel cost, which would cost them a great deal of money. The moment he arrived home he was arrested by the security services and was questioned as to why, how and when he left Sudan. He was detained for 2 months and was released on condition that he stayed in Khartoum. What has

happened to him since then is unknown because there are no contacts with him in Sudan.

*These individual cases illustrate that some asylum seekers decided to take the voluntary return option because they did not have any other options available to them. They decided to return home because:*

- *there had been a lack of support during the asylum process*
- *the process had taken too long, and*
- *the quality of initial decisions was bad*

*For those who decided to return home, they could not return home with human dignity and respect because they had not been supported during the process.*

*These cases also illustrate that:*

- *Asylum seekers should not be returned to countries where it is not safe for them to be returned to, nor at a time when the country is going through political upheaval, nor where there is a lack of security and of the infrastructure to support them*
- *There has to be some mechanism to monitor those who return home*

### **Mr A. – Somali national**

Mr A was a Somali refugee in Sweden; he decided to return voluntarily to Somaliland. He was assisted by the Goteborg Initiative which is a project assisting refugees who return to their homeland on a voluntary basis. Mr A presented two different business ideas to them. One was to start a salt production company in Berbera (Somaliland), because there is no production of salt in the country, and there is good clean water at the coast and sun to dry the salt water nearly 365 days a year. There had been salt production before, but not since the civil war started. He had been negotiation to find partners for the salt production business ever since he arrived in Somaliland three years earlier, and is still working on the idea.

His other business idea was to start a shoe production business. So, in the meantime, in order to earn his living, he started with the shoe production business. He had to give up on this business as well because he had to charge 6 dollars for a pair of shoes, while the market in Hargeisa was crowded with second hand shoes offered by European charitable organisations at a cost of 1 dollar.

However he is still there, he has been into politics, he has taken on different types of work, and he is a perfect proof of the thesis that you have to have an extremely strong will to succeed in returning and building up something new.

Although this client was not successful in building his business, the case is partly successful because he remained in Somaliland to engage in politics.

*This initiative in Sweden is interesting because it is strictly voluntary, provides support and assistance, the final decision to return can be taken while the person is actually in the country of origin, and both asylum seekers and refugees can take part in the programme.*

### **Mr. S – Afghani national**

Mr. S is a businessman from Afghanistan who fled to Austria to seek protection after his father and brother had been killed in Afghanistan. A few years after his arrival he decided to return home to rebuild his pharmaceutical company; after rebuilding his business he faced serious corruption problems.

He wanted to rebuild his pharmaceutical company but he did not receive any help to rebuild his business. He was also confronted with demands for substantial bribes. Sharing the company's future profit was suggested as the condition for getting the re-opening procedure started. There is no more information about him.

*This case proves again that monitoring and follow up is very important otherwise it would be impossible to know what had happened to asylum seekers and whether the country is safe for others to return in the future.*

### **Mr X – Eritrean asylum seeker**

Mr. X is from Eritrea and was forced to flee in 1998 during the dictatorship of Menghistu Hailemariam, when his village was destroyed because it was considered hostile to the regime.

He escaped with his family to Sudan, where refugees were exploited as slaves. The poor living conditions in Sudan convinced him to return to his country of origin, therefore he considers his decision not a "voluntary" one but one in which he had no choice due to the desperate nature of his situation in the country of asylum. Nonetheless in 2001 he decided to take part in a voluntary return programme run by UNHCR. Unfortunately everything went wrong. Returnees were left in an economically depressed area without any kind of support, where they were victims of frequent attacks by locals who considered the returnees illegitimate occupants, and where water sources and basic services were extremely remote from their camp (around 30-40 Km).

The return programme failed to assure returnees' protection and as a result he had to flee Eritrea for a second time. He criticises the programme he took part in because returnees were treated as 'exchange goods' between the country of asylum and the country of origin. Furthermore the UNHCR was not able either to defend the returnees' interests nor to ensure basic conditions such as guarantees of reintegration in the society. Moreover, he specifically highlights the fact that returnees were not consulted beforehand and local residents in the country of origin were not informed about the programme.

He is now living in Italy in miserable living conditions; his asylum request has been rejected, and he risks being forced to repatriate at any time.

*This case illustrates that the role of NGOs, and their independence is very important when they are involved in assisting refugees to return to a country where political and economical relationships between country of origin and country of asylum is good. Also it is important that refugees are informed about the process, about future reintegration plans and their protection during the process.*

### **Mr RS – Sri Lankan asylum seeker**

Mr RS, a Sri Lankan Tamil, arrived in the UK in December 2002 and claimed asylum. The Home Office interviewed him in January 2003. His asylum claim was refused in the first week of February 2003 and he appealed to the Appellate Authority. His appeal was heard in August 2003 and the Adjudicator refused his asylum claim on the grounds that the situation in Sri Lanka had improved and he did not have grounds to fear persecution on his return. A ceasefire agreement had come into force in the island and a peace process had begun.

He discussed this issue with a refugee community organisation. Following the initial advice of the organisation, he decided to return to Sri Lanka voluntarily because he agreed with the findings of the Adjudicator. The community organisation initiated the procedure for his voluntary return through its ongoing working relationship with the International Organisation for Migration (IOM). While his application was in progress November 2003, the situation in Sri Lanka dramatically changed with a rise in human rights violations. He expressed his renewed fear of returning to Sri Lanka. The community organisation withdrew his application for voluntary return and filed a fresh application for asylum.

This case illustrates the role RCO's can play in halting the return of a person who has second thoughts about voluntary return due to changing circumstances in the country of origin

### **Mrs I – Moldavian national**

Mrs I is a 26 years old Moldavian, of Russian origin and her husband, also is Moldavian, but is of Jewish origin.

She and her husband applied for asylum in Belgium and had two interviews. Afterwards they appealed to the Council of State and applied for regularisation. The chances of regularisation were rather good (due to successful integration and diplomas she had gained); there was also some support from the local community for their case. During their stay in Belgium they did not return to Moldavia, not even temporarily.

She has a university degree in Applied Economics. They fled from Moldavia in 2000 because her husband was facing political problems. There are three main communities in Moldavia: Russian, Jewish and Moldavian. The Russian and Moldavian communities are the majority, and they are the elite. At a certain time the Jewish community was oppressed and 800,000 people became fugitives. The bank her husband worked for was closed. They were forced to leave within two days. A Polish friend advised them to escape to Belgium, where they were placed in a local reception facility. They had no contacts with the Moldavian community, only with Belgians. She resumed her studies at the University of Antwerp and succeeded. She speaks fluent Dutch and even attempted to start her own business.

In 2004 they decided to leave Belgium because their application for regularisation was negative, so there were no ways of remaining in Belgium legally. They soon realised living in Belgium illegality was not an option for them. A social worker talked to them about voluntary return option.



During their stay in Belgium all possibilities for employment were examined, including that of foreign employee. While searching for employment she made some interesting contacts with a Belgian firm. Getting the statute of 'foreign employee' requires a lot of red tape without any guarantee on the outcome. No employer is prepared to wait that long. But there were possibilities to work in the Moscow branch of the company, and she accepted the offer.

They left for Moldavia; they could temporarily live with her parents. After that she travelled to Moscow and started looking for housing. Her husband still lives in Moldavia to look after his grandmother who is ill; he will join her soon.

In Belgium they prepared for their return with the social service. They received little information about the possibilities of support; the social service did not discuss with them their expectations and desires. The biggest problem was the transport of their luggage. Her parents travelled a few times to Belgium in order to take some goods with them, but they had to sell the rest to their friends.

The social support was limited only to arranging their travel documents and the air tickets. They did not get information about the situation in Moldavia, or about the different IOM services and local organisations. They have received some financial support from their friends in Belgium to pay for a passport.

It is very difficult to re-integrate, because they have to restart again but they are very happy to have professional stability again.

*This case illustrates the complexity of the process leading to a successful return to Moldavia. If we compare this case with many others in this report, this case has the best outcome for individuals involved.*

### **Sisters K. from Prijedor, Bosnia**

From the angle of professional helpers attending Bosnian war victims, the two elderly sisters K, aged 66 and 64, had been so-called problematic cases. Both suffered from mental health problems and received psychological counselling while in Austria. The elder one additionally had been raped in Bosnia and had to cope with this traumatising. Because of their special circumstances their residence permission had been extended until 2000, whereas the majority of Bosnian refugees had to leave in summer 1998.

Labelling their return "voluntary" seems hypocritical. Indeed, they signed a paper, which said they returned voluntarily to Bosnia. But they did so because forced eviction was the only alternative. As for their "home", everyone was aware of the condition of their house in Bosnia. It had been destroyed during the war; only a garden hut on their estate was left. This garden hut is about 8 square metres; it rather resembles a wooden box without a window. In this hut they lived for the next two years. Why did assistance provided by so many organisations in post-war Bosnia not reach them? One reason certainly is that they had no friends and relatives to help them. According to the Bosnian project staff member powerful connections and functioning networks are the main resource to improve one's condition in Bosnia - they didn't have any of these. They were given the necessary material to rebuild the house, but they did not have anyone to help them with rebuilding it. On the contrary, one of their cousins even wanted to take over their property and threatened them violently. In the end, their brother who lives in the Netherlands

intervened in the conflict with the cousin and also helped them to rebuild the house. Even now the roof is not properly fixed, the house is only covered with a ceiling that here and there lets the rain in, but at least they could leave the garden hut. Running water, firewood for the winter, a cow or goat is on their wish list.

As for Austria, they feel kind of 'dropped'. They are very thankful for the assistance they received in Austria, but from their view it ended all of a sudden. More assistance is what they would have expected, what they also understood as being promised from the Austrian authorities. Even with this bitter feeling of being cheated, they would like to go back to Austria and asked about the people they know. But if another war happened, they would not flee again. "Never again endure the horror of returning" - that's their credo.

### **Mr D- from Afghanistan.**

Mr. D. is one of those refugees who actually had two options. As an asylum seeker in Austria with a temporary status he could at least live on the social welfare allowance. Although access to work is restricted, it is not impossible. He even managed to find accommodation. Nevertheless he decided to return to Afghanistan two years after his arrival in Austria. Trying to explain his decision he emphasised that the unforeseeable future was the main factor in his decision. He could not make any future plans because he had to renew his permission every few months; he did not see any future prospects. The difficulties in finding work and to get permission to work were also another factor in his decision. His initial decision to flee the destruction in his home country and build a new life for him and his family in Europe became more and more impossible. His life in Europe remained unstable and insecure, whereas the security situation in Afghanistan improved slightly. Through contacts with his family he managed to get more information about the security situation in Afghanistan. However, the improved situation was not a pull factor, it made it possible at least to think about going home, but it was not the decisive momentum. What really drew him home was his family. When he heard that his son was very ill and his family in trouble he contacted Caritas for return assistance. The main problem for him was that there was not any information about the security situation in Afghanistan; he had to rely on his family for information about the situation there. However he appreciated Caritas' help with every other question, and their logistical assistance. After his return he opened a clothes shop with a friend. The start –up allowance of IOM in Kabul was an important basis for the enterprise. By now, the shop is not running well enough to reduce his debts relating to his flight, not even well enough to guarantee sustaining his family in the long run. Nevertheless he prefers this situation to being condemned to passivity and being separated from his family in Europe. What is especially painful for him is the feeling of having lost not only enormous sums of money, but time as well. If he would have been able to work he would have been able to return more easily. if people go back, they should go back with some money instead of empty hands" he says. He has to withstand disappointment and distrust from his community, because people do not believe someone could come back from the West without having made money

### **Mr A – a doctor from Peja, Kosovo**

Mr A is a 37 year old medical doctor from Kosovo. He had completed his studies in Prishtina in 1995, but had never worked in a hospital, because Albanians would not

have been employed as doctors at this time. The political situation became more and more tense and what had been discrimination before grew to violent persecution of Kosovo-Albanians. Finally also his home, where he lived with his parents, was searched for weapons and he himself was beaten up in the course of the action. Later on he was summoned to an investigative interview at the local police station. As it was well known that these investigations were likely to end up in gross ill treatment his friends and his father urged him to go into hiding. He first went to relatives in a different part of Kosovo and afterwards to his cousin in Austria.

In Austria he applied for asylum, but his application was soon turned down. He also applied for recognition of his medical qualification, but only a few exams were acknowledged as equal to the Austrian degree. It would have taken him years to repeat more than half of the course of study. He started with following a German language course as basic preparation, but soon he realised that he did not have financial means to complete such a long course. When he heard of a friend who had been taken into a detention centre for deportation he decided to go back. He did not even inform his family about his return because they thought Austria was safer for him. He thought things in Kosovo were different: when the Austrian authorities rejected his asylum claim on the grounds that Kosovo was regarded as a safe place where human rights of minorities would be respected, he dropped the idea of considering Austria as a safe place. He understood that instead of being safe, he sooner or later would have to hide from the police again. Looking back, he said, he was very disappointed that the Austrian authorities made him feel like a criminal, simply because he came to the country as an asylum seeker. He felt stuck, with his asylum claim refused, he had no right to stay in Austria, but he could not simply go back either, as he had to sneak back into the country unseen by the Yugoslavian authorities. Therefore he flew to Albania and was then smuggled back into Kosovo. "I have risked my life twice," he said "the first time, in order to get out of Kosovo, the second time to get back into Kosovo". Asked if he had ever thought of contacting organisations assisting with his return, he said, "he did not know about their existence".

Back in Kosovo he contacted his relatives again, as it seemed too dangerous to go back to his parents' home. But his attempt to hide was in vain – after a few months he was caught at a traffic control point and taken into detention where he was severely mistreated. After three days, his family managed to get him out. Just in time, because his medical condition was critical.

These experiences in Austria and in Kosovo finally led him to join the UCK in 1998, not as a fighter, but as a doctor. During the war he attended to wounded fighters, but also civilians. He stayed in Kosovo through the war, he did not even think about leaving.

Today he is working in a hospital in his home town as a doctor. His salary is not good and working conditions in the hospital are also bad. Asked if he ever would try to go to Austria again, he said that he was not looking to become rich, he only wanted protection, and Austria did not grant him protection. Now, he does not need to go to another country because his life is not endangered. He puts much hope on the final decision about the future status of Kosovo. If independence and thus a stable situation could be reached, there might be more attraction for international investment. He thinks the health system is in a very desperate situation because many devices and medicines are missing, many diseases cannot either be diagnosed or treated properly.

## **Section 6**

### **Increasing Refugee Participation in the Field of Voluntary Return**

#### **NGO models of good practice**

*A number of NGO models of good practice have been identified during the ECRE project covering some or of all of the important stages of the voluntary return process*

- Pre-departure information and preparation
- The return process
- Reintegration in the country of origin
- Return agreements

The examples included try to suggest some the following priorities, and to show

- *A summary description of the principle aspects / activities of the project, including its specific aims, objectives, content and approach taken*
- What were the problems / needs it was trying to address? including the rationale of the practice, why a particular approach was taken, while taking into account the national / local context and interest group
- What worked? including some of the results, outcomes and impact of the practice as well as any success factors and benefits)
- What did not work? Any of the weaknesses and obstacles encountered in relation to the project whether internal (organisations, capacity, etc) or external (context in which the practice was implemented)
- Transferability? Whether the practice could be applied as a whole / generally to other national contexts or if not, what suggestions could or should be made to make it apply elsewhere?
- *Contacts / links*

#### **NGO models of good practice on Voluntary Return**

##### **1. Refugee Action: "Choices"-a UK model of good practice in preparing for voluntary returns**

Refugee Action was established in 1981 and is involved in a range of activities, including:

- capacity-building with new RCOs;
- youth projects;
- advocacy work;
- awareness raising;
- advice to new arrivals;
- campaigning on rights and entitlements.

### **Origins of "Choices"**

Through the course of its activities, Refugee Action had to increasingly confront the issue of return. In March 1997, it held a consultation on the subject with refugee community organisations, refugee agencies, IOM, and UNHCR. This found that:

- a higher number of asylum seekers and refugees consider voluntary return than approach 'official' organisations for advice and assistance;
- voluntary return is a 'taboo' subject for many;
- there was a need for an impartial, confidential service;
- there was a need for a service that would respect an individual's right to make decisions whether or not to return;
- there was a need for an NGO like Refugee Action, already trusted by RCOs, to pilot the service.

This was the first initiative in the UK dedicated to providing a confidential, non-directive, independent service for individuals to freely explore the possibility of return. The Voluntary Return Project was set up by Refugee Action in January 1998.

### **Principles of "Choices"**

The service operates according to a number of guiding principles:

- To offer a confidential, non-directive advice to refugees and asylum seekers
- To involve refugees and their communities in the development of the Project
- The Project will not be evaluated by the numbers who return, but on whether people feel they have been helped
- Refugee Action does not take part in forced repatriation

### **Geographical coverage**

"Choices" now has offices in Leeds, Leicester, London and Manchester. It has fielded 3108 enquiries since February 2002, most originating in the North West and Yorkshire & Humberside regions. By far the highest numbers of enquiries have come from Iraqis.

### **Main advice topics**

Sessions with clients tend to reveal similar concerns across nationalities:

- Is this the right decision for me?
- Immigration issues
- Travel assistance
- Travel documentation
- Support issues in the UK – including referral to other services
- Conditions in country of origin
- Return packages available

### **Issues identified**

The issues identified through contact with client groups include:

- the need for skilled, impartial advice;
- the question of trust;
- the existence of "push" and "pull" factors;
- provisions for return (resettlement grant, training, employment);
- the availability of "Look and See" options;

- provision for vulnerable groups, e.g., the elderly, the sick, women, children.

### **Other 'Choices' activities**

In addition to providing advice and counselling about return to clients, Choices is active in a number of other areas:

- Research
- Second tier advice to other advisors
- New Partnerships
- Providing training
- Developing a handbook
- Contributing to policy development

### **Strategic issues**

Through its range of activities, Choices has identified a number of strategic issues for voluntary return:

- The impact of legislation
- Dispersal has led to the creation of new emerging communities, which are not always easily accessible through the normal channels. It is possible that there is a whole swathe of asylum applicants who are untouched by the refugee agencies
- Changes in support arrangements and an increasingly harsh legislative climate have left significant numbers of asylum applicants destitute, including many Iraqis, which may cause some to opt for voluntary return as a last resort. This calls into question the 'voluntariness' of return and serves as a reality check
- Partnerships with other bodies will be an increasing feature of voluntary return, including partnerships with:
  - Refugee Community Organisations;
  - Refugee Agencies;
  - IOM;
  - Government.
- Development versus immigration. Voluntary return has to be linked to other country initiatives, and not just viewed as a 'solution' to the asylum problem. We need to think about it in terms of development rather than immigration and take a long-term view. Areas of focus will include:
  - sustainable return;
  - reintegration and reconstruction;
  - nationality-specific programmes.

### **Lessons learned**

"Choices" has already learned a number of useful lessons from its involvement in voluntary return:

- Voluntary return is a very complex issue and cannot be neatly encapsulated
- Sound principles and credibility are prerequisites for involvement in voluntary return
- Good practice is crucial
- Partnerships are vital to the success of voluntary return programmes
- Flexibility is essential to respond to a changing environment
- Long-term development should be the goal rather than short-term expediency

**Contact: Mel Pickett, Manager, "Choices" project, Refugee Action-UK**  
Mel Pickett, Refugee Action; 00 4420 7654 7715; [melp@refugee-action.org.uk](mailto:melp@refugee-action.org.uk)

## **2. NGO models of good practice on voluntary return**

### **Consulting Communities in the UK – Voluntary returns to Afghanistan and Iraq**

#### **Background**

In January 2002, following the ousting of the Taliban and establishment of an interim government, the UK's Home Office set up a working group to consider a 'targeted voluntary return programme to Afghanistan' and to develop proposals for such a programme. The Group was chaired and facilitated by the Home Office Asylum and Appeals Policy Directorate and comprised of representatives from the Refugee Council, Refugee Action, the British Red Cross, IOM, UNHCR, the Department for International Development, the Foreign and Commonwealth Office, the Afghan Embassy, and other Home Office directorates. The Home Office also convened a series of meetings with Afghan community leaders in order to solicit their views and inform them of developments.

The meetings with community leaders have become a regular occurrence and there are now similar meetings with leaders of the Iraqi community in the UK. Meetings with the two communities take place every six months, alternating between London and the regions. The Home Office views the meetings as fora in which the Afghan and Iraqi communities in the UK can engage in constructive dialogue with senior Government officials about issues of concern to them; to learn about UK Government programmes relevant to Afghanistan and Iraq; and to hear about the present situation in the country from UNHCR, the International Organization for Migration (IOM), the Department for International Development and the Foreign and Commonwealth Office. The Refugee Council and Refugee Action also attend.

#### **Progress**

The meetings are intended to be a two-way information exchange between Government and community leaders. While representatives from the community clearly see value in meeting with senior representatives of Government, level of participation has been mixed, and there remains some scepticism about the value of the meetings beyond merely exchanging information. The last meeting for the Afghan community – held in Manchester – was attended by one community representative, amid reports that the Afghan community in the region was extremely uneasy about engaging with the Government on the question of return. This needs to be placed in the context of the lack of faith among Afghans in the asylum process generally, which has clearly coloured attitudes towards voluntary return. Issues related to the timing of asylum decisions, increased destitution, and lack of transparency around removals have all helped to corrode the debate. Afghans have frequently referred to voluntary return as simply a way of "reducing the numbers of Afghans in the UK." There remains little faith in the assertion that the programme represents the UK's contribution to the reconstruction of Afghanistan, and consequently it has proved difficult to mobilise interest on that basis.

The Iraqi community, who initially generated a range of positive suggestions around voluntary return, including pre-departure measures and community partnership working, has also expressed concerns about the purpose of the meetings. At the last meeting in London, community representatives voiced their disappointment in the lack of feedback from the Home Office about these recommendations. The consensus was that if the community were taking the trouble to provide ideas and advice, then the Home Office should be exploring them and presenting their conclusions to the community.

### **Recommendations**

Broad, regular consultation with the communities is essential to gauge attitudes to return, explore methods of assistance to returnees, and establish a climate of trust between the Government and the diaspora, is absolutely essential. It engages the community on the subject of return, generates ideas and suggestions, and helps to identify obstacles to return and possible solutions

#### **What could have worked better:**

- **Terms of reference.** The Afghan meeting in Manchester demonstrated that there was still some uncertainty about the purpose of the meetings, with the community feeling that participation could be taken as their assent to forced returns. The letter from the Home Office in response to this was a good statement of intent, but this could be formalised into terms of reference, so the communities are clear about the purpose of the meetings and their part in them.
- **Feedback mechanisms** need to be in place. There should be an agreed process for the Home Office to take up suggestions from the community, explore their possible use, and inform the community of their adoption or otherwise (with the reasons clearly stated). At the same time, it is recognised that not all suggestions will be realistic, so it is important to sensitively manage expectations around what is achievable.
- **Regular communication** between meetings. Related to the point above, it is important to keep the information flowing. The six month gap between meetings is quite a long one, so regular communication is essential to maintain trust and momentum, particularly where policy is changing frequently.

#### **What worked well:**

- **Making the commitment** to consult. It should be stressed that the Home Office has demonstrated a willingness and openness to engage both with the voluntary and refugee community sectors, and shown some flexibility and creativity in its approach to voluntary return. Many of its initiatives, such as resettlement grant payments, Explore & Prepare, reintegration and training, are significant examples of this. The fact that the Home Office regularly holds consultation meetings with the refugee community is a real achievement in itself. It is hoped that this initial good work can be built upon to ensure that the refugee voice can inform the ongoing debate on voluntary return.

British Refugee Council

### **3. NGO models of good practice on Voluntary Return**

#### **Explore and Prepare- UK Kosovan Programme 1999-2000**



## **Background**

The Kosovan 'Explore and Prepare' (E and P) programme was set up in 1999 for Kosovars who came to the UK on the Humanitarian Evacuation Programme (HEP) or who came independently. The Programme allowed the head of household or a community representative to return to Kosovo in order to assess the conditions on the ground in order to make an informed choice about the possibility of permanent return for family or other community members.

The Refugee Council and its partners lobbied for the programme on the basis that the majority of refugees on the Humanitarian Evacuation Programme said they wanted first hand information on post-conflict Kosovo prior to considering permanent return. In a survey conducted amongst this group of refugees 96% of respondents said they would use an Explore and Prepare programme if it was established.

The first group of Kosovar refugees left the UK on 2<sup>nd</sup> December 1999 with the assistance of the International Organisation for Migration (IOM) who also arranged onward travel within Kosovo and flights for the return journey to the UK; the outward and return journeys were funded by the UK government. All returnees to Kosovo, including those who undertook Explore and Prepare, were given pre-departure mines awareness training and provided with a repatriation allowance consistent of £250 (386 Euros). It was thought that some participants may want to make their own arrangements for the return journey to the UK and immigration instructions were issued to the UK port authorities to ensure that they were able to re-enter, however only one person opted to travel back to the UK independently. The programme ran until April 2000 by which time a total of 423 Kosovars had used it to return to Kosovo. The Refugee Council carried out surveys at the point of re-entry to the UK in order to find out more about their experiences. Of those surveyed 74% said that they had found it useful in assisting them to make the decision to return permanently.

## **Eligibility**

The E and P package was available for people who had 'exceptional leave to remain' (ELR) in the UK. The Refugee Council and its partners lobbied unsuccessfully for it to be extended to include other categories including people with indefinite leave to remain. There was no specific time limit set on the length of absence from the UK- individuals were allowed to re-enter the UK at any time before the expiry of their leave. In recognition of the fact that people would be anxious about return to Kosovo it was agreed that people could withdraw from the E and P flight at any point and that this would not affect their eligibility to re-apply at a later date. The Home Office issued a statement confirming that Kosovar refugees who took up the E and P package would not be considered as re-availing themselves of the protection of the authorities and people were issued with a certificate of identity for the purposes of travel. In addition to the registration documentation provided by IOM, the Refugee Council provided clear written and translated information about the programme and one to one advice was available from Refugee Action. In all cases refugees were advised to seek legal advice prior to making the decision to take up the programme.

## **Recommendations**

The Kosovan Explore and Prepare was widely regarded as a successful and useful programme that helped to build confidence within the Kosovar community with regard to the process of voluntary return.

### **What could have worked better:**

- **Delays** in start up time- there was a considerable delay between the UK government's announcement of the programme and its actual start date. This could have been avoided with better pre-planning with regard to logistics and documentation
- **Reach of the programme-** It is also worth noting that the programme was open to all Kosovars with limited leave but that the vast majority who used it were refugees on the Humanitarian Evacuation Programme.

### **What worked well:**

- **Planning** that took into account the needs of the refugees
- **Practical advice** offered by the refugee agencies was taken on board by the UK government
- **Flexibility** – there were no deadlines other than the necessary time limit of immigration leave
- **Information**-all refugees who came to the UK were given clear information about the programme
- **Pre-dating removals-** the Explore and Prepare programme was run prior to the UK government taking a tougher stance on removals

### **British Refugee Council**

#### **4. NGO models of good practice on voluntary return**

##### **An example of a UK refugee community's lobbying activity**

**This is an example of a UK refugee community's lobbying activity: the letter from a Sri Lankan community organisation was in response to a UK parliamentary Home Affairs Committee enquiry into the asylum and immigration removals process. Though not strictly about voluntary returns it does demonstrate RCO's potential for lobbying a parallel issue**  
**Letter from the Tamil Information Centre (TIC)**

Date: 2002

Clerk of the Committee  
Home Affairs Committee  
7 Millbank  
London SW1P 3JA

Dear Sir, Madam,

#### **Inquiry into asylum and immigration removals process**

This memorandum has been prepared by the Tamil Information Centre (TIC), a London-based organisation involved in information, human rights, community development and refugee work since 1983, particularly relating to Sri Lanka, in partnership with other human rights, refugee agencies and community organizations in Britain and abroad. The memorandum has been prepared after consultation with

several organizations and lawyers involved in asylum issues and is submitted for the inquiry on asylum and immigration removals by the Home Affairs Committee.

## **1.0 Government targets**

- 1.2 The Home Secretary has already admitted that the removal targets are unrealistic. Any target will be unrealistic without proper procedures. Different ports and the Home Office have different forms, refusal letters and procedures. The subjects assigned to each unit of the Home Office are unclear. In the case of JA, the National Asylum Support Service (NASS Ref: 01/11/02443/xxx has issued a letter to the asylum seeker asking him to leave the country. The Home Office should first establish proper, consistent and common procedures.

## **2.0 Humane methods**

- 2.1. Sri Lankan refugees on temporary admission have been detained when visiting police stations or immigration offices to sign and returned to Sri Lanka. These are most vulnerable among the asylum seekers. In early October 2002, fifteen Tamils were returned to Sri Lanka without being allowed to collect even their possessions. They were detained at Colombo airport on arrival for questioning. No information available as to when they were released or how they were released. This was reported in Thinakural, a Colombo based Tamil periodical on 13 October 2002. If any policy exists regarding such returns, they have not been made public.
- 2.2. The Home Office also uses the tactic of removing asylum seekers during weekends to avoid representations. In the case of detention or removal, very often, notice is not given to the legal representative. Legal representatives became aware of the deportation of PN (Home Office ref: xxxxxxxx) only after they were informed by his friends. Where all legal rights of appeal have been exhausted and the Home Office intends to detain or return, the asylum seeker and his representative should be given notice and time allowed for the asylum seeker to finalise his affairs. If the Home Office maintains that this method is practised to prevent absconding, then a surety could be demanded.
- 2.3. Legal representatives find it extremely difficult to contact the Enforcement Unit. Telephone and fax numbers for contact should be provided and personnel responsible to deal with representations in cases of removal should be appointed. Legal representatives should have access to those asylum seekers referred to the Oakington Centre for the fast-track procedure.
- 2.4. Individuals have been removed, while their immediate family remains in Britain. Husbands have been deported while the wife and children remain (Case of TR). Separation of the family is inhumane and is against human rights obligations. Where a partner has been given permanent residence the other's status should also be regularised.
- 2.5. Asylum seekers have been assaulted and handcuffed during removal. Sometimes the asylum seeker is handcuffed during the whole journey. The Home Office position is that its responsibility ends as soon as the asylum seeker is put on the aircraft. This is inhumane and contradictory to the requirement that asylum seekers should return in safety and dignity. VG (Home

Office ref: G 1xxxxxxx) was arrested when he was in a friend's house, by officers who came in search of someone else. He was treated brutally by security personnel called by the officers and deported.

- 2.6. Asylum seekers have been returned to Sri Lanka while their appeal rights are pending. An example is the case of K, who was deported to Sri Lanka on 24 April 2001 and the Home Office acknowledged that the case had not been finally resolved. The Home Office was ordered to return Mr K to the UK from Sri Lanka. This kind of removal and return not only involves large expenditure but also exposes the asylum seeker to the very authorities who are alleged to be the persecutors. In the case of SV, no notice had been given to the applicant or his representative and the Home Office attempted to remove without affording him the right to appeal available to him.

### **3.0 Monitoring in country of origin**

- 3.1 Asylum seekers should be returned in safety and dignity. In the case of the fifteen asylum seekers deported in early October, some were questioned and others were interrogated for long periods. It is also unclear as to what happened to them after the interrogation. There have been a number of incidents where returning asylum seekers have been subjected to threats, assault, extortion and detention the Sri Lanka Criminal Investigation Division (CID). The Sri Lankan government or any other government has not established any procedure to ensure safe returns. Many refugees have no relatives or places to live in the capital Colombo where they are returned. UNHCR, which has a mandate to ensure safety of refugees, must be involved in monitoring returning asylum seekers and to ensure that they reach their home areas safely.
- 3.2 The Home Office is currently carrying out removals without proper consideration of conditions in countries of origin. The Sri Lankan government has stated that their priority would be to resettle the huge number of internally displaced people, the refugees in India and then only welcome asylum seekers in other countries. UNHCR has taken a similar position. The Home Office should take into consideration factors such as prevailing violence, human rights violations, authorities' access to territory, availability of infrastructure, landmines and economic conditions. The Home Office must ensure that returns do not affect any peace process in the country of origin.

### **4.0 Compassionate factors**

- 4.1. The Home Office should consider family connection when deciding on removals, such as, allowing adults and children who have lived in the UK for long period to continue to stay. Children who have live in the UK for many years would be psychologically affected, their education disrupted, become vulnerable on return and would not be able to cope. Currently the Home Office issues ELR to unaccompanied asylum seeking children only up to the 18<sup>th</sup> birthday and then the applicant is liable to be removed. KS (Home Office ref: xxxxxxx) has been granted ELR up to his 18th birthday and his position remains uncertain which is affecting his work and education. By the time the

child reaches 18, he/she has been resident for several years and sometimes has entered universities.

- 4.2. Residence permits should be given on compassionate grounds to those who receiving medical treatment, particularly psychological treatment, to ensure continuity and success of treatment and cure. The position of the elderly should also be considered on compassionate grounds.

## **5.0 Incentives**

- 5.1. A financial package may be made available for those who wish to return. In addition, a programme of vocational training would be most useful to returnees.

Yours sincerely

Executive Secretary  
Tamil Information Centre

## **5. NGO models of good practice on Voluntary Return**

### **Stichting DIR project in the Netherlands**

DIR is a Dutch refugee-based organisation working in Ethiopia. We work under the principle that individuals need to work more together and that "all small threads together can bind a lion". DIR was founded by four friends trying to make a difference by trying to tackle the big issue of integration and repatriation, terms frequently misused by policy makers who want to return rejected asylum seekers, who by definition have no choice. Originally working voluntarily [and not 9-5], currently there are five paid staff in DIR. Actually most refugees do want to be able to go home, but under the right conditions, which include justifiable concerns about security, family and individual choice. Until now there were no opportunities to consult on what is needed and only those with residence permits or refugee status even considered return. Few had much faith in their home governments either .

DIR tries to build bridges in considering return as a 'taboo' subject, since even talking about it implies everything is all right in Ethiopia; so asylum seekers are not interested, and 'returns' must be separated from 'repatriation'; in relation to IOM projects there is no consultation with RCOs and not much understanding of the 'cultural' aspects of returns.

The DIR 's project aims to work with those who, though they are established and experienced in the Netherlands, are not able really to integrate. In such a project there are only winners, as the Dutch government sees people leaving, Ethiopia gains some added value from having people returning with some western experience, and the individual returns to a better life. DIR deals with issues such as housing, sources of income, health care, children, education, security.

DIR recommends that established organisations need to recognise the role of RCOs; they are stakeholders in the reality of returns and need space in the discussion; they need to be partners in return projects; and involved in the design and development

of projects; there needs to be 'space' for second thoughts, and 'explore and prepare' options are recommended; contact needs to be maintained, individuals should not lose touch, as the process does not just finish when they return; there are additional options which might include returns to other African countries, not to waste unused potential.

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## **6. NGO models of good practice on voluntary return**

### **Incijativa žena in Bosnia [Women's Initiative, Sarajevo] - illustrating re-integration in country of origin**

A Bosnian women's organisation runs, among other projects, a training programme for Bosnian women. **Incijativa žena** provides training courses for computer skills and job search training. With regard to international investment in Bosnia, returnees are deliberately involved as trainers in these courses. For example, a woman returning from Germany was asked to train a group of local women on how to apply for a job – a procedure that in pre-war times was more or less informal. Another one was asked to give computer lessons – they did not want to employ men, and local women with computer skills could not be found – except for those who had gained these skills in exile. The participating women soon had the opportunity to make use of their course: a German 'do-it-yourself' super-market opened nearby. Ten women were needed as cashiers. Those who performed best in the job interview were participants who had not only learned how to handle a computer, but also had got an idea of the requirements in a job interview with "German style" standards. And so, the majority of the new employees consisted of the former course participants.

The rationale of the practice and of the particular approach was to give returnees a function in which they could both contribute to the community, not be another burden, and that would make use of the experience returnees had gained abroad.

In analysing what worked, and the outcomes and impact of the project, there is more than one factor that led to a successful outcome. First, obviously the "right" returnee for the job was found. Then, she was accepted by the course participants, which might not work everywhere. And furthermore, it was luck, that indeed a German business settled precisely in this area. But all in all, the principle of integrating returnees by making use of their new cultural standards gained abroad instead of denying them, worked.

It would not work for every returnee, but only for those who actually had something to share with their community, be it skills, be it contacts, be it cash. In general, it may be more sensible to ask how can returnees help the local population when it comes to re-integration than to ask how returnees can be helped.

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[Project report by Dragan Perak, Kulturni centar, Vienna ; [dragan.perak@balkan-dialog.org](mailto:dragan.perak@balkan-dialog.org)]

## **7. NGO models of good practice on voluntary return**

### **GÖTEBORG-INITIATIVE: a return programme from Sweden**

The Göteborg Initiative is an umbrella organisation with eleven members, of which half are refugees; the rest of them are traditional Swedish NGOs such as the Red Cross, the YMCA and others.

In Sweden they use the term 'voluntary return' strictly for those who have a real choice to make, either to remain in Sweden or to return to the country of origin on a voluntary bases.

The organisation deals with voluntary return and self-chosen repatriation, if their assistance is requested. They strongly oppose activities that are becoming increasingly common in some European States, such as denying asylum seekers housing, healthcare, and the right to work etc. as methods of forcing rejected asylum seekers to choose to leave.

They offer educational programmes in Sweden that can be of use in the country of origin, as well as assistance for re-establishing once the person has returned..

The other way for voluntary return programme to gain credibility is to start up aid and rebuilding programmes in the country of origin for the target groups, and for the aid and rebuilding programmes that they seek funding needs always to have a component of participation from the Diaspora.

### **Examples of the aid /rebuilding programme**

Sending teachers from Somali origin from Sweden to work on one-year contracts paid by Swedish aid money, to serve as teachers in local schools, because there are hardly any teachers there, and no local money to pay them, this is a good aid programme!

### **Getting down to business**

This is an interesting example of good practice because:

- The programme includes the offer of a return ticket for all participants
- This makes the programme strictly voluntary
- The final decision to return can be taken while the person is actually in the country of origin
- They don't see the participants return to Sweden as a failure of the programme, and
- 65% of the participants from the Göteborg Initiative programme have remained in the country of origin

#### **contact:**

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## **Section 7**

### **Key documents**

Richard Black and Khalid Khoser (eds.), *The End of the Refugee Cycle? Refugee Repatriation and Return* (Berghahn Books, Oxford, 1999)

R. Black, K. Koser, and K. Munk, *Understanding Voluntary Return*, Home Office Online Reports (Home Office, London, 2004) at <http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf>

British Refugee Council, *Returns Policy*, at <http://www.refugeecouncil.org.uk/publications/pub007.htm#returns>

British Refugee Council, *Voluntary Returns to Afghanistan Programme: Programme Review* (June 2004) at [http://www.refugeecouncil.org.uk/downloads/refugee\\_council/intl/vrap\\_review.pdf](http://www.refugeecouncil.org.uk/downloads/refugee_council/intl/vrap_review.pdf)

Caritas, 'Duurzame reïntegratie in Oekraïne en Bulgarije na vrijwillige terugkeer' (Belgium, 2004) at <http://www.caritas-int.be/nl/actualite/actua33.html> (final report of voluntary return project to Ukraine and Bulgaria)

European Council on Refugees and Exiles (ECRE), *Position on Return* (POI/10/2003/Ext/MP, October 2003), at <http://www.ecre.org/positions/returns.shtml>

IOM, *Return Policy and Programmes: a contribution to combating irregular migration*, Seventy-fourth session (Geneva, 1997), at [http://www.iom.int/iomwebsite//Documents/Officialtxt/en/MC\\_INF236.pdf](http://www.iom.int/iomwebsite//Documents/Officialtxt/en/MC_INF236.pdf)

OCIV, 'Terug of Terug: een beschrijvend onderzoek van vrijwillige terugkeerprojecten in negen Europese lidstaten' (Belgium, 2001) at [http://www.kbs-frb.be/code/page.cfm?id\\_page=153&ID=157](http://www.kbs-frb.be/code/page.cfm?id_page=153&ID=157) (descriptive research of voluntary return projects in 9 European countries)

UN General Assembly Resolution 50/152, at <http://www.un.org/documents/ga/res/50/a50r152.htm>

UNHCR, *Framework for Durable Solutions for Refugees and Persons of Concern* (Core Group on Durable Solutions, Geneva, 2003), at [www.unhcr.ch](http://www.unhcr.ch)

UNHCR Executive Committee, *Conclusion No.18 (XXXI) – Voluntary Repatriation (1980)*, at <http://www.unhcr.ch/cgi-bin/texis/vtx/excom>

UNHCR Executive Committee, *Conclusion No.40 (XXXVI) – Voluntary Repatriation (1985)* at <http://www.unhcr.ch/cgi-bin/texis/vtx/excom>

UNHCR Executive Committee, *Conclusion No.96 (LIV) - the return of persons found not to be in need of international protection (2003)* at <http://www.unhcr.ch/cgi-bin/texis/vtx/excom>



UNHCR Executive Committee, *Conclusion No.101 (LV) - Legal Safety Issues in the Context of Voluntary Repatriation of Refugees (2004)* at <http://www.unhcr.ch/cgi-bin/texis/vtx/excom>

UNHCR, Global Consultations on International Protection, Conclusions, Regional Meeting, Budapest, 6-7 June 2001 (EC/GC/01/14) at [www.unhcr.ch](http://www.unhcr.ch)

UNHCR, Global Consultations on International Protection, 4th Meeting, 25th April 2002 (EC/GC/02/5), at [www.unhcr.ch](http://www.unhcr.ch)

UNHCR, *Handbook "Voluntary Repatriation: International Protection"* (Geneva, 1996), at [www.unhcr.ch](http://www.unhcr.ch)

UNHCR, *Handbook for Repatriation and Reintegration Activities* (Geneva, 2004), at [www.unhcr.ch](http://www.unhcr.ch)

NGO Statement on Voluntary Repatriation (22-24 May 2002), 'Global Consultations on International Protection, Third Track, Theme 3: The Search for Protection-Based Solutions', *Refugee Survey Quarterly*, Vol.22 No.2/3 (UNHCR/Oxford University Press, Geneva, 2003), pp.420-31.

UN Mission In Kosovo (UNMIK), *Manual for Sustainable Return* (Kosovo, January 2003) at [www.unmikonline.org/srsq/orc/documents/Manual\\_ENG.pdf](http://www.unmikonline.org/srsq/orc/documents/Manual_ENG.pdf)

## **Websites**

### **British Refugee Council**

[http://www.refugeecouncil.org.uk/refugeecouncil/international/rc\\_work.htm](http://www.refugeecouncil.org.uk/refugeecouncil/international/rc_work.htm)

(information about the Council's international work, including voluntary return)

### **Caritas**

[http://www.caritas.at/oesterreich/vertretung\\_406.html](http://www.caritas.at/oesterreich/vertretung_406.html) (information on the return assistance programme run by Caritas Austria in six of the nine Austrian federal states - in German only)

### **Caritas Vienna**

<http://www.caritas-wien.at/rueckkehrhilfe.htm>

(a description of the organisation's return assistance programme - German)

### **Consiglio Italiano per i Rifugiati (CIR)**

<http://www.arifonline.it/>

(contains country of origin information, with important contributions from refugee and immigrant organisations in Italy)

### **European Country of Origin Information Network**

<http://www.ecoi.net/>

(comprises reports about the situation in countries of origin in general and about the situation of returnees and IDPs in particular)

### **European Reintegration Networking**

<http://www.reintegration.net/>

(a website documenting recent ERF funded projects on return. It is partly in English, partly in the language of the participating countries)

**European Reintegration Networking - Belgium**

<http://www.reintegration.net/belgium/>

(overview of Belgian return policy [2003] in Flemish, with a summary in English)

**Forum Italia Somalia**

<http://www.forumitaliasomalia.org/public/portal/>

(website devoted to events and issues about Somalia – Italian and English)

**International Organization for Migration (IOM)**

<http://www.iom.int>

(IOM's central website contains links to studies on migration and return, IOM's current projects, and country-specific websites)

**IOM Austria**

<http://austria.iom.int/de/artikel.php> (German)

<http://austria.iom.int/en/artikel.php> (English)

(more about the IOM Afghan voluntary return programme through which all of the Austrian interview partners in Afghanistan returned)

**National Asylum Programme, Italy**

<http://www.programmanazionaleasilo.it/>

<http://www.programmanazionaleasilo.it/English/index.htm> (English)

**Reintegration Net**

<http://reintegration.ilook.at/antville/cms/main?slash=true>

(a platform for return assistance organisations and counsellors. It contains reports of counsellors' field trips, links to organisations in countries of origin and links to relevant studies and reports)

## **Section 8**

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