

Ideas on How to Facilitate Departure, Return and Reintegration Assistance

Suggestions by the International Organization for Migration
Office for Switzerland and the Swiss Red Cross



International Organization for Migration (IOM)

Croix-Rouge suisse
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List of acronyms and abbreviations

AsylG	Asylum Act
AsylV2	Asylum Regulation 2
FNC	Federal Act on Foreign Nationals
AVRR	assisted voluntary return and reintegration
CoO	Country of origin
EFTA	European Free Trade Association
EU	European Union
EVZ	Reception and procedure centre
FNC	Federal Act on Foreign Nationals
IOM	International Organization for Migration
IRRiCO II	Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin
RAS	Reintegration Assistance from Switzerland Programme
REZ	Return Counselling from Reception and Procedure Centres
RIF	Return Information Fund Programme
SEM	State Secretariat for Migration
SIM	SwissREPAT–IOM Movements Programme
SRC	Swiss Red Cross
VREN	Voluntary Return European Network

Executive summary

For 20 years, the International Organization for Migration (IOM) has been providing voluntary return and reintegration assistance in Switzerland. Globally, IOM assists the voluntary return of about 30,000 migrants to more than 160 countries every year.

The Swiss Red Cross (SRC) is one of the pioneering organizations in voluntary return assistance in Switzerland, introducing the country's first return counselling contact points in 1985 in Lausanne and in 1986 in Geneva. Consequently, the SRC played a significant role in establishing the foundation of the national return assistance programmes that are being implemented today.

This paper shall provide a new impetus to return counselling, as well as return and reintegration assistance in Switzerland in a view to discuss and develop these further with all relevant stakeholders in this field. The paper also aims to provide a common assessment of all currently used instruments, as well as discuss innovative ideas that could help advance the modern mechanisms and general structure of return and reintegration assistance programmes.

In this paper, the IOM and SRC propose the following main initiatives for the future management of public return assistance programmes: (a) opening up of return and reintegration assistance programmes to a wider group of migrants; (b) introducing innovative approaches to return assistance; and (c) strengthening cooperative work in Europe, particularly the European Union.

The instruments employed in today's departure, return and reintegration assistance programmes in Switzerland were generally developed during the large influx of refugees from the Balkans to Switzerland in the late 1990s. However, in light of significant changes in migration flows in recent years, mechanisms and services in return assistance should be adapted accordingly. Considering the experiences gained by IOM and SRC in assisted voluntary return and reintegration programmes (AVRR) from Switzerland in recent years, it can be put forward that people residing in Switzerland under the Federal Act on Foreign Nationals or Asylum Act should be offered the same basic AVRR services with minimal Swiss-wide standards.

Future return counselling should be divided into pre- and post-return services. To ensure a needs-based, appropriate and sustainable socioeconomic reintegration for a returnee, the detailed needs assessment and final determination of services offered should be conducted only after the actual return in the country of origin (CoO). Instruments that support the reintegration of returnees shall be designed to contribute to the general socioeconomic setting of the society in the CoO. To allow for a more efficient reintegration of returnees, as well as cost reduction, it is crucial to cooperate with new partners (for example, in CoO, partnering with existing development and social projects; and with NGOs and the private sector for the diaspora).

Furthermore, all mechanisms and instruments of Swiss return counselling should be provided throughout Switzerland in the same manner and should offer the same services. These services and mechanisms should be subject to frequent evaluation and adaptation – in form and content, methodologically, as well as structurally.

At the international level, greater involvement of Switzerland within the Schengen/Dublin Agreement for the development, introduction and implementation of common departure and return assistance standards in all Member States would be desirable. Ideally, these standards should be based on best practice examples of reintegration assistance programmes and not on the lowest denominator.

I. Introduction

For a long time, the implementation of a voluntary or forced return from Switzerland has been an important indicator of successful State migration management. Based on “controlled exits”, the State can prove internally and externally that it has effective and efficient tools to control and steer migratory movements in its territory.

Return assistance programmes currently being implemented in Switzerland were originally established in the 1990s with the goal of supporting the voluntary return of persons mainly from the Balkans living in Switzerland under the Swiss Asylum Law. Considering the recent developments in asylum and migration, it can be argued that the framework under which return assistance programmes take place have changed. Furthermore, the principles, as well as the technical instruments of return assistance programmes, are increasingly challenged by today’s altered conditions within asylum and migration environment.

Along with these developments and the structural changes planned and partially implemented in the asylum field (such as test centre in Zurich, 48-hour asylum procedures), the International Organization for Migration (IOM) Office in Switzerland and the Swiss Red Cross (SRC) believe that it is essential to bring together all stakeholders in Swiss return assistance programmes to conduct a joint review of current practices and discuss innovative ideas for improving these programmes. An evaluation conducted by KEK-CDC-Consultants,¹ a public administration consultancy firm, as well as other evaluations² and monitoring reports³ further contributed to this discussion.

This paper aims to initiate a shared debate on the contemporary nature of departure, return and reintegration assistance programmes from Switzerland. Thus, this shall serve as a draft for stakeholders and reference point from which discussions and new developments may flow.

¹ KEK-CDC-Consultants, www.kek.ch/fr.

² K. Koser and K. Kuschminder, *Comparative Research on the Assisted Voluntary Return and Reintegration of Migrants* (IOM, Geneva, 2015), available from www.iom.int/files/live/sites/iom/files/What-We-Do/docs/AVRR-Research-final.pdf (accessed on 29 April 2015) and IOM Ireland, *Comparative Assessment Launched to Strengthen Information and Outreach in Ireland* (IOM Ireland, 2014), available from www.ireland.iom.int/sites/default/files/IOM%20Ireland%20Newsletter_1.pdf (accessed on 29 April 2015).

³ IOM, 2013 Monitoring Report (October 2012–October 2013) RAS – Reintegration Assistance from Switzerland (IOM, Bern, 2013), available from http://publications.iom.int/bookstore/free/Individual_Return_Assistance_report_ENG.pdf (accessed on 29 April 2015).

Specifically, this paper shall put forward the following main ideas to Switzerland's future management of assisted voluntary return and reintegration (AVRR) programmes:

- The need for opening up return assistance programmes to a wider group of people;
- The need for new and innovative approaches to AVRR programmes; and
- The need for a stronger cooperation within Europe, specifically the European Union.

The following paper is written by IOM Switzerland and SRC. IOM is only working in voluntary return, but as the SRC is also active in return counselling in out-of-detention centres, this paper also refers to return from detention centres. This part refers only to the work of SRC.

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2. Experiences of IOM Switzerland and SRC

2.1 IOM Switzerland

As the Swiss representative of IOM in Bern,⁴ IOM Switzerland has been active in voluntary return and reintegration assistance programmes for more than 20 years.

IOM has been involved in AVRR activities for 35 years, starting with the Reintegration and Emigration Programme for Asylum-Seekers and the Government Assisted Repatriation Programme in Germany (REAG/GARP). IOM has assisted more than 300,000 people in the last 10 years, with a global average of 30,000 individuals per year returning to over 160 countries. In Switzerland, IOM supports the return counsellors in the cantons, as well as in the reception and procedure centers (EVZ) for asylum-seekers through three main programmes:

- a. Return Information Fund (RIF) Programme
The programme aims to provide updated, accurate and reliable return and reintegration-relevant information. Individual information requests are mainly needed to support potential returnees in planning their voluntary return and assessing the feasibility of their reintegration plans. These requests are submitted to IOM Switzerland before the departure of the returnee.
- b. SwissREPAT–IOM Movements (SIM) Programme
In cooperation with the Swiss authorities, IOM organizes the voluntary return to the country and coordinates the necessary support (including medical) during travel, transit and upon arrival.
- c. Reintegration Assistance from Switzerland (RAS) Programme
The project aims to facilitate the reintegration of returnees in their countries of return through the implementation of individual reintegration assistance. It offers an array of possible projects for the returnee (such as medical assistance, microfinancing aids, job placements, apprenticeships and trainings, housing and accommodation assistance), all coordinated by IOM Switzerland and implemented and monitored by the relevant IOM missions worldwide.

⁴ International Organization for Migration, Mission in Bern, <http://switzerland.iom.int/>.

Depending on the country of return, these three programmes (RIF, SIM and RAS) may also be merged in a country-specific programme. Such country programmes – which organize voluntary return assistance options in a comprehensive structure – are currently available for nationals of Nigeria and Guinea. In addition, IOM Switzerland also implements country programmes with special focus on the past, such as return assistance programmes to Georgia and the Balkans for people with special needs, including medical assistance.

IOM Switzerland also provides return counselling for asylum-seekers in the Federal Reception and Procedure Centers. The Return Counselling from Reception and Procedure Centers (REZ) aims at providing comprehensive counselling to all asylum-seekers currently staying in a Swiss Federal Reception and Procedure Center who are considering voluntary return to their country of origin (CoO); this is also to ensure a safe and humane voluntary return for these migrants. For persons living in Switzerland under the Federal Act on Foreign Nationals, IOM Switzerland currently implements the following programmes: (a) voluntary return and reintegration assistance programme for victims of human trafficking and exploited cabaret dancers; (b) AVRR programmes from the Canton of Bern; (c) AVRR programmes from the Canton of Vaud; and (d) AVRR programmes from the Canton of Geneva.

2.2 Swiss Red Cross

The Swiss Red Cross (SRC)⁵ was one of the pioneering organizations in voluntary return assistance in Switzerland, introducing the country's first return counselling contact points in 1985 in Lausanne and in 1986 in Geneva – and thereby playing a significant role in establishing the foundation for the governmental system of return assistance programmes as it exists today. Since then, return assistance of people who have lost their right to stay in Switzerland has been one of the core activities of the SRC in migration. As mandated by the authorities, the SRC provides return counselling to people in the cantons of Geneva, Glarus, Uri and Ticino (Article 93 Section 1 (a) of the Asylum Act – AsylG). Additionally, the SRC runs independent projects, such as counselling for people residing in Switzerland under the Foreign Nationals legislation, as well as those currently in detention and facing deportation. This is to provide innovative means of filling gaps in public management of departure and return assistance programmes.

⁵ Swiss Red Cross, www.redcross.ch/.

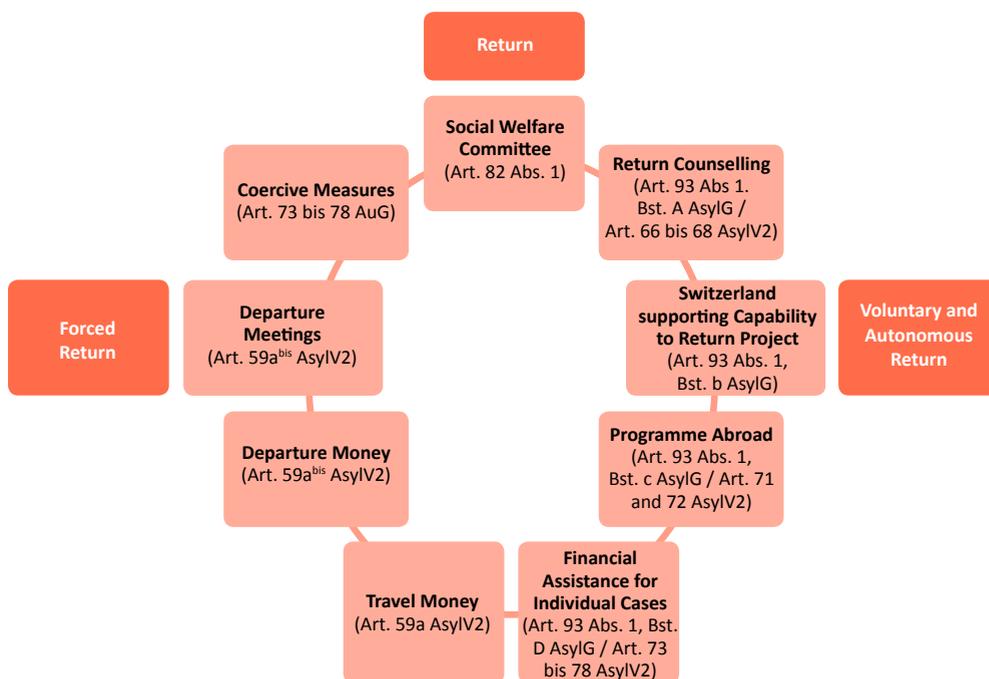
Furthermore, the SRC has been striving to improve the coordination and cooperative work of migration-related activities within the Red Cross and Red Crescent Movement for years. In connection to its role of supporting an innovative approach to public administration, the SRC has had a close dialogue with Switzerland's State Secretariat for Migration (SEM) to discuss current and future topics and challenges related to return migration. Such dialogue led to the introduction of departure counselling services for people in administrative detention under Swiss Foreign Nationals regulations.

3. Current situation

3.1 Description of the current governmental management of return and departure assistance⁶

The current measures on departure, return and reintegration assistance are derived from the major inflows of refugees from the Balkans in the late 1990s. This can be shown as follows:

Figure 1:
Measures concerning departure, return and reintegration assistance



Source: SRC, 2014.

Note: Overview over legal articles relating to return (by 2014).

⁶ Cf. Annex 1 provides definition of the concepts used in the text and description of the measures.

Measures concerning departure, return and reintegration assistance are regulated by the Federal Act on Foreign Nationals (FNC) and the Asylum Act. A distinction is made between measures promoting forced or voluntary return. Whereas paragraphs 64, 68, 69 and 73 to 78 in the Foreign Nationals Act define all measures promoting forced departure, voluntary return measures are legally predominately identified in paragraph 93 of the Asylum Act. These measures promoting departure or return were improved in the context of the governmental relief programme of 2004. Two years later, these were further consolidated during the partial revision of the Asylum Act in Article 82(1) about excluding legally rejected asylum-seekers from social assistance. The objective of this measure was to promote voluntary departure from Switzerland. Since 1 April 2013, the voluntary return of rejected asylum-seekers has been supported with a higher amount of financial support for the return journey (Article 59a AsylV2), departure (Article 59a^{bis} AsylV2) and the return exit interview (Article 59a^{ter} AsylV2).

3.2 Beneficiaries and groups of excluded persons

According to Article 63 (AsylV2), whereas all foreigners are concerned with coercive measures, beneficiaries of financial return assistance are people whose residence is regulated by the Asylum Act or regulations treating provisional admission under the Federal Act on Foreign Nationals. Similarly, this category of persons in forced return also engage in a return exit interview (Article 59a^{ter} AsylV2) and benefit from financial support for journey (59a AsylV2) or departure (Article 59a^{bis}).

Financial return assistance can only be claimed once by asylum-seekers. According to Article 64 (AsylV2), people who are generally excluded from this assistance are the following: (a) those who have committed a crime or repeated infringements; (b) those with clear abusive behaviour (such as those with gross violations); or (c) those who have sufficient financial resources. Persons who are transferred to another European Union State according to the Dublin Agreement (Dublin-out cases) and those from European Union/European Free Trade Association (EFTA) States who do not receive financial return assistance, with the exception of vulnerable persons.

Since August 2012, the State Secretariat for Migration (SEM) has adopted a 48-hour procedure for certain European countries that are visa-exempted and for Kosovo and Georgia. Those whose asylum application are rejected during this process are excluded from financial return assistance, as well as programmes abroad (according to Art. 93 Abs.1 Bst. D AsylG).

According to the Dublin Agreement, those who are due to be transferred to another European Union State can return to their CoO upon request from their responsible cantonal migration authority or the respective EVZ to the SEM. They normally have access to financial support (individual return assistance) for particular cases.

According to Article 60 (FNC), certain groups living under the Swiss Federal Act on Foreign Nationals, such as victims of human trafficking, can benefit from supporting measures financed by the government. Some cantons offer complementary programmes to those under the Swiss Federal Act on Foreign Nationals. Other authorities offer specific return assistance measures; for example, the Canton of Ticino offers individual return assistance, and the cantons of Bern, Geneva and Vaud provide return and reintegration assistance programmes. IOM provides regular return assistance programme services in Bern, Geneva and Vaud and individual return assistance in other cantons, and SRC offers return assistance for foreign nationals in the cantons of Geneva and Ticino. These services include return counselling, financial support and reintegration assistance for the implementation of small business projects in the country of return. Within the cantonal projects in Geneva and Vaud, IOM assisted 797 persons between 2009 and 2012, with countries in South America as the major destinations. In these programmes, the participating individuals were mostly women. SRC offers return assistance measures concerning enforcement of judicial sentences in the cantons of Bern and Fribourg. Discussions are currently taking place in other cantons regarding the possible extension of this project.

4. Ideas on how to facilitate return and reintegration assistance in the future

The current measures promoting departure, return and reintegration from Switzerland work generally well. They were set up during the large migration movements from the Balkans. However, in recent years, migration flows have changed and available services have been adapted accordingly. Migration from African countries is becoming increasingly important, while migration from the Balkans is losing relevance. Today, Switzerland is more confronted with mixed migration flows.⁷

4.1 Opening of return assistance for a wider range of persons

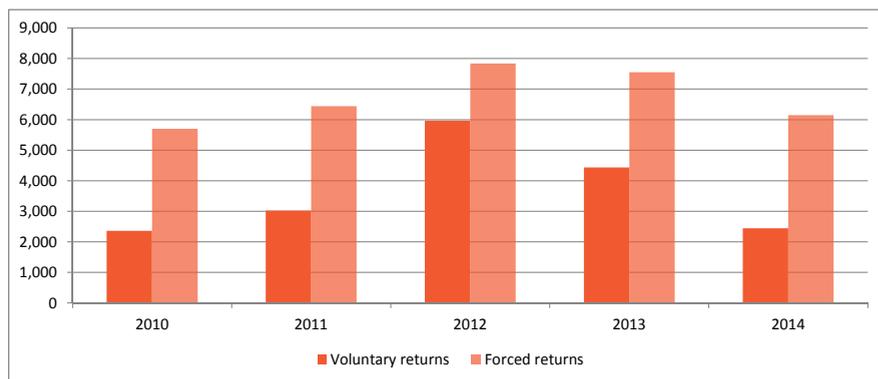
Asylum-seekers represent the overwhelming majority of the people benefiting from return and reintegration assistance. According to the statistics of SwissREPAT, the number of voluntary returns from Switzerland by air has increased between 2010 and 2012. However, in 2013, and even more in 2014, with new migration flows (asylum-seekers from Eritrea and the Syrian Arab Republic), it decreased again. According to SEM's statistical surveys, in the period up until 2010, an annual average of 65,000 foreigners left Switzerland via voluntary return.⁸

These statistics show that the number of voluntary and forced returns has increased in the asylum and foreigner sector until 2013, and then decreased again. An increasing number of foreign immigration leads to a repeated demand on the government to intensify the regulation and control of immigration using effective measures. Such regulatory measures include access restrictions (such as visas) and/or stay restrictions (such as residence permits only in case of employment), as well as the reduction of the asylum procedure's duration.

⁷ *Mixed migration flows* are complex population movements including refugees, asylum-seekers, economic migrants and other migrants (R. Perruchoud and J. Redpath-Cross (eds.), *Glossary on Migration* (IOM, Geneva, 2004), available from www.publications.iom.int/bookstore/free/IML_1_EN.pdf (accessed on 30 April 2015)).

⁸ Compared with numbers *Monitor Zuwanderung* of SEM, Statistic immigration, available from www.bfm.admin.ch/bfm/de/home/publiservice/statistik/auslaenderstatistik/monitor.html (accessed on 30 April 2015).

Figure 2:
Flight departures from Switzerland (including Dublin cases), 2010–2014



Source: Statistics SwissREPAT.

Such regulations demand not only measures facilitating individual departure and return, but also preventing irregular residence in Switzerland. As both foreign and asylum sectors are concerned with these measures, the provision of basic services with uniform standards on both sectors should be considered. Concretely, this would give foreigners access to return and reintegration assistance throughout Switzerland. Experiences from the IOM AVRR programmes show an existing demand, such as requests from vulnerable foreign women who apply for assistance under AVRR programme for human trafficking victims, but do not qualify. This demand is confirmed by several cantons that offer return and reintegration support for foreigners. The management of return and departure in the asylum sector is mainly based on providing information and support, while the foreign sector primarily uses repressive measures (imprisonment and punishment). Few cantons, such as Bern, Vaud, Geneva and Ticino, offer return and reintegration assistance for foreigners.

IOM and SRC suggest that there should be options for return counselling and reintegration assistance accessible to foreigners throughout Switzerland. The Government and the cantons should implement a common concept that concerns facilitating departure and return. The concept should be focused on voluntary return and prioritize all persons who are willing to return and independent of their residence status. The new concept can be inspired by previous measures and experiences concerning departure, return and reintegration assistance.

4.2 Implementation of new and innovative approaches to voluntary return and reintegration assistance programmes

The first governmental instruments of AVRR programmes in Switzerland were created within a rather one-dimensional context, where refugee movements were perceived as separate from economic and labour migration flows. Over the years, however, it has been widely accepted that refugees and economic migration flows may not entirely separate categories of migration. Rather, it has been recognized that both categories of migration often interlink; as such, they may both be part of a migrant's migration process (that is, the concept of mixed flows). Moreover, over the last years, migration has been increasingly accepted as a dynamic and often circular process that frequently draws from an individual's personal kinship networks. On one hand, family and kinship networks may determine an individual's migration journey, while on the other, it needs to be recognized that the complex and dynamic nature of modern-day migration may involve a variety of single yet interrelated movements (immigrations, emigrations, relocations, returns); these movements often constitute a progressive cycle of the migrant's movements that can occur multiple times. Thus, return migration does not necessarily constitute the last part of a migrant's journey.

The individual willingness of a migrant to return to the CoO has been widely identified as the crucial element that determines an individual process of return migration. It is for this reason that instruments of AVRR programmes facilitating the migrant's return have generally focused on supporting the returnees' decision-making. However, today's dynamic nature of a migrant's kinship network may also have an influence on one's willingness to return to the CoO. The migrants' living conditions and family relations – in the country of residence as well as origin – considerably affect one's willingness to return.

The contextual framework where departure and return and reintegration programmes function may generally be assessed as positive. Yet for the future, IOM and SRC suggest that in order to adapt to the new migration flows, details and provisions of all programmes facilitating the social and economic reintegration of migrants shall be defined once the return has been completed and not before they are back to their communities of origin. This is primarily to adapt recent return assistance programmes and opportunities to the changing and complex dynamics of migration. Detailed provisions of AVRR programmes, such as the individual's assessment of social as well as economic needs for the subsequent

definition of reintegration assistance measures, should therefore be conducted post-return and in the migrant's CoO. Thus, Swiss return counselors should advise a migrant on his/her return assistance opportunities (maximum amount and type of financial, material or other assistance) but also refrain from defining all exact details, such as the effective amount of assistance and provisions of the reintegration project. One question has to be further investigated: To which extent could the social and economic reintegration willingness be strengthened with appropriate measures? The aim would be to ensure the sustainability of the returnee's reintegration. However, the counselling of potential returnees in Switzerland remains essential, as it is there where the first contact between migrants and official channels, as well as return travel plans are made. Furthermore, return counselling in Switzerland, generally embodied by officially defined points of contact, could be supplemented with more mobile elements of return counselling, allowing potential returnees to be met and advised by return in a more flexible manner.

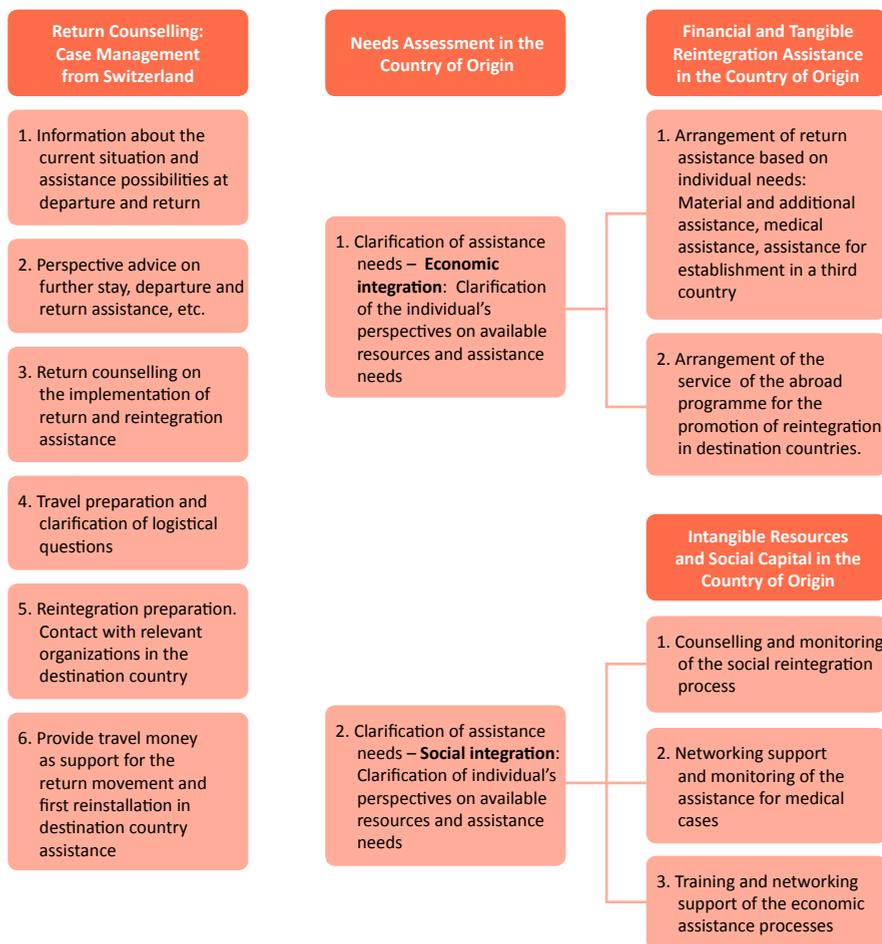
4.2.1 Reorganization of duties in return counselling and reintegration assistance in the country of return

Current instruments of assistance programmes that facilitate the return of a migrant may generally be divided into two categories: pre-departure and post-return measures. *Pre-departure measures* involve all instruments organizing and supporting the return of a migrant prior to departure from the country of residence. *Post-return measures* involve all instruments supporting the subsequent social and economic reintegration of a migrant in the CoO.

Until now, the range of services involved in return and reintegration programmes – including detailed provisions and reintegration plans of post-return measures – have been determined based on return counselling processes in Switzerland. However, as observed in practice, it can be extremely difficult to design and adapt reintegration services according to the respective social and economic situation in each CoO. Particularly, economic services and instruments that support the reintegration of migrants in their countries of origin may often not be planned from abroad in a meaningful and sustainable manner, as it is difficult to facilitate the planning and preparation of the projects that would determine the exact and current situation on location. This can lead to false promises made to returnees and the need to often adjust reintegration services and projects concluded in Switzerland once a returnee has settled back in the community of origin.

To avoid such issues in the future, it is necessary to adjust and reorganize certain parts of pre-departure and post-return measures. The implementation of reorganization is illustrated in Figure 3 (see below).

Figure 3:
Future organization of AVRR components in Switzerland



Sources: SRC and IOM Switzerland.

After the basic needs assessment in Switzerland (to detect possible vulnerabilities, provide information to the migrant, avoid false expectations and coordinate with the missions in the CoO), it is suggested to perform an in-depth needs assessment to determine the provisions and details of social and economic reintegration services only after a migrant's (re-)entry into the country of return to allow suitable and sustainable reintegration measures. This is due to the observation that returnees often only realize the nature of the local economic and social situations once they have returned and communicated with relatives and friends. Further, it is

impossible for the return counsellors to have in-depth knowledge of the situation in the different countries of origin and be able to provide more detailed counselling. Such a shift in conducting the needs assessment in the CoO rather than in Switzerland prevents additional re-adjustments of Swiss-determined reintegration plans. Moreover, such reorganization of certain instruments allows Swiss-based return counsellors to focus on preparatory and organizational aspects of the case management.⁹

In short, while in Switzerland, the returnee would receive general information about his/her return and a basic needs assessment would be done (such as medication available in CoO, available schooling for children, places to stay for the first days). The in-depth counselling (that is, the type of reintegration project) would only be done after the return.

4.2.2 New approaches to return counselling

In light of the dynamics of modern-day migration issues and the suggestion of expanding the availability of existing return and reintegration services to all groups of people (see 4.1), it is also recommended to make qualitative, structural and methodical adjustments to Swiss return counselling.

Quality standards of return counselling

A central factor enabling a successful return counselling system is a uniform service with the following basic standards:

- *Return counselling is exclusively directed at the return assistance of the concerned person:* Research¹⁰ shows that the individual departure and the respective willingness to return is the crucial factor to determine if and under which form the departure and return takes place. The willingness to return is primarily influenced by the two elements: being ready and being willing to return. It is shown that an inability to make the decision and/or the possibility of adapting the return to one's own needs can negatively influence the willingness to return and engage in the return process in general.¹¹ A key indicator of this qualitative characteristic is the voluntariness of return counselling. This includes not only the free choice to claim return counselling or not, but also the fact that the return counsellor accepts that the concerned person is responsible for his/her own

⁹ This would require additional funding for the IOM offices in the CoO.

¹⁰ Compare, for example, the research by J. P. Cassarino, "Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited", *International Journal on Multicultural Societies (IJMS)*, 6(2):253–279.

¹¹ According to Cassarino's researches, individuals who have the highest readiness to return are those with sufficient personal, material and social resources. They are usually able to activate these resources with the aim to plan and realize the return without external constraints such as deadlines to return.

actions. In this sense, the returnee has the right to make his/her own decisions on departure and return. Therefore, the counsellor does not influence the concerned person on one's decision to return.

- *Return counselling is exclusively directed at persons demonstrating the need for support:* The degree of mobilization of material and immaterial resources, as well as social capital on the forthcoming return and reintegration, can considerably influence the willingness to return. Experiences have shown that return counselling, in voluntary as well as forced return, is only an effective instrument if it is directed at the person's need of support. An indicator for return counselling based on actual needs is confidentiality towards any third party. Without explicit consent of the concerned person, no information about the content or course of return assistance is given. Another indicator is that those who previously cancelled a departure can always request the return assistance if desired.
- *Return counselling is based on the concept of case management and transcultural communication¹² methods that are applied in practice¹³:* The individual willingness to return is subject to the possibility and degree of resource mobilization, as well as the perception of the current situation and the development of the returnees in the country of return. Counselling can only have a limited influence on the perception and interpretation of the current situation of the person's living environment. However, it is possible to support the mobilization of resources within those conversations. Counselling includes not only transmission of information or clarification of the current situation, but also requires application of corresponding methods. Therefore, return counselling contains elements, such as location decisions, requirement clarifications, counselling on future opportunities, and is based on mutual respect. This means that the concerned person is informed about the counsellor's role and function and the limits of his/her duties. On the other hand, the counsellor is aware of the returnee's situation and his/her limits of action.

To ensure these basic criteria, it is recommended to consider the transfer of return counselling to an organization independent of the administrative authorities.

¹² *Transcultural skills* are defined as the ability to grasp and understand individual realities and adopt an appropriate course of action in a specific situation and context. Transcultural specialists are conscious of their own prejudices and stereotypes. They are able to capture and interpret the perspectives of others without *culturalising* or using stereotypes of a given target group (D. Domenig, "Transcultural competence in the Swiss health care system" In: D. Domenig et al. (eds.) *Overcoming Barriers: migration, marginalization and access to health and social services* (Foundation Regenboog AMOC, Amsterdam, 2007), p. 174).

¹³ Cf. Handbook of Return Counselling, Chapter 4: Counselling discussion and Chapter 5: Methods (See Annex 2).

Content adjustments

In light of the practical experiences gained in the last years, future return counselling shall focus on the following main areas of operation:

- *Provision of information:* Return counsellors provide general information about questions on reintegration possibilities to all persons preparing return and departure. This can happen via general information events or individual discussions. This is exclusively an informative activity and not meant to convince the concerned persons to return to their CoO. To assist return counsellors, IOM is regularly drafting fact sheets that provide general information on situations in each country. In the future, it is ideal to strengthen the ongoing RIF Programme¹⁴ with an interactive website (with limited access to ensure confidentiality), where potential returnees or return counsellors could directly ask questions and receive replies.
- *Provision of detailed perspectives:* Based on the assessment of an individual's situation, return counsellors assist all persons preparing for return and/or departure by evaluating potential perspectives (namely departure, relocation, further stay options and return possibilities).
- *Return counselling:* People preparing for return to or departure from their CoO will be assisted through a detailed return counselling process mobilizing an individual's tangible and intangible assets and existing social capital on an upcoming departure, return and reintegration in the country of return. It is important that the maximum financial support within the return assistance, the conditions linked to it and the related terms are clearly communicated, in order to overcome the returnee's potential mistrust.
- *Departure preparations:* Departure preparations assist a returnee with concrete advice and action.
- *Reintegration preparations:* Following up on departure preparations, reintegration preparations include establishing contacts between the departing person and the respective mission in the country of return (that is, IOM mission) that is responsible for planning and implementing the individual's reintegration services. A first contact (for example, via telephone) between the returning person and the responsible mission prior to the individual's departure is important for concrete networking and should therefore be enabled by the return counsellor in Switzerland.

¹⁴ More information on RIF available from <http://switzerland.iom.int/de/information-return-information-fund-rif>.

- *Provision of financial travel assistance:* The return counselling process is concluded with the provision of financial travel assistance for the departing person. Vulnerable cases constitute an exception in this context, as it has to be clarified how the reintegration in the country of return can be organized and which steps have to be organized previously in Switzerland (for example, change of medication).

Methodical adaptations

As current practice, the methodology of return counselling should be built upon the concepts of case management, as well as activation of resources and empowerment.¹⁵

Expansion of return counselling with outreach elements: The current dynamics of migration and exclusion of rejected asylum-seekers from social welfare create a need to adjust the current system of return counselling. Existing points of contact shall be supplemented by dynamic and mobile elements: that is to say that future return counselling should also seek to actively reach out to migrants and easily accessible where migrants are often located. For example, in the Netherlands, IOM has been working since April 2000 with mobile teams providing migrants (asylum-seekers, as well as irregular migrants) with general information on return and contact details of return counselling for one-to-one sessions. The mobile teams operate in the entire country and actively reach out to migrants (for instance, by visiting reception centres and prominent locations of irregular migrants). Networking within migration organizations, social services, legal advice givers and others is another important element. Experiences in REZ show that networking is also an important point in Switzerland. As a good contact between EVZ, legal advice, support and counselling services exists, cases are then transferred to REZ. Moreover, the possibility of hiring or training return counsellors originating from the same CoO (“native counsellors”) has to be explored.

Structural adaptations

Until now, return counselling for people from the asylum sector is accessible in almost every Swiss canton and federal centre. As already mentioned, only a few possibilities are offered to people staying in Switzerland under the Federal Act on Foreign Nationals. The government announced a structural adaptation of the asylum sector, as well as an extension for promoting voluntary return of people staying in Switzerland under the Federal Act on Foreign Nationals. This demands a fundamental review of the structures of return assistance:

¹⁵ Cf. SRC’s Handbook for Return Counselling, available at Annex 2 pp.25–26.

- *Regionalization of return assistance*: The planned structural change in the asylum sector would transfer potential clients from the cantonal return assistance to the new federal centres. This change will create a need to review the contemporary model of the cantonal return counselling centres. If return counselling is accessible to those under the Federal Act on Foreign Nationals, it should be verified if every canton will need to offer this service. In both cases, regional return counselling centres could be a cost-efficient solution. This solution would not have negative qualitative or quantitative consequences on the services offered.
- *National return assistance*: The trend in recent years is to open the return counselling to a wider range of persons, such as asylum-seekers in the federal centers, persons living in Switzerland under the Federal Act on Foreign Nationals, persons in administrative detentions and others. An eventual regionalization of return assistance and the need to offer uniform return assistance with the same content, methods and qualitative standards Swiss-wide demands an increased national regulation.¹⁶

4.2.3 New approaches to reintegration assistance programmes

Migration flows to Switzerland drastically changed over the years. In light of significant changes, innovative projects and involvement of new partners are required (such as private-sector partnerships)¹⁷ to make AVRR programmes sustainable and fit for the future. In addition, experience shows that small business projects are not appropriate for all returnees, due to the difficult economic climate and the lack of required skills.

Individual reintegration strategy

The foundation of a successful social and economic reintegration upon arrival in the country of return is the implementation of a reintegration plan. This is jointly elaborated by the organization responsible for supporting the returning person with the implementation of reintegration plan (for example, IOM) and the returnee.

The detailed planning of the individual's reintegration services should therefore take place in the migrants' country of return respecting the following two levels:

¹⁶ The Swiss Government can, for example, take over the content and strategic leadership and outsource the guidance of return and advisory centres to independent organizations.

¹⁷ Cf. SRC conducted a study on this topic for the Federal Office for Migration in March 2010. It is available in German: *Machbarkeitsstudie Förderung der wirtschaftlichen Reintegration von Rückkehrenden aus der Schweiz im Herkunftsland*.

(a) Measures improving social integration:

- (i) *Support for rehabilitation in social structures:* In the countries of return, needs assessments should be conducted together with the returnees to determine the detailed plan of action and encourage their social reintegration. This plan of action (which is part of the reintegration plan) should be based on the desires of the returnees and respect the local conditions and possibilities. Areas offering the facilitation of returnees' social reintegration may include work, housing, language courses for children, family support in case of problems and others.¹⁸
- (ii) *Support for rehabilitation into public systems:* Returnees should be supported in obtaining necessary documents (such as identity cards and business licences). Furthermore, returnees should be supported to access public systems and services (such as health insurance and pension fund schemes). This means that correct contact points are communicated to the returnee and that they are assisted to get administrative documents.
- (iii) *Community or structural assistance projects for vulnerable persons:* For countries with an increased number of vulnerable returnees (for example, Sri Lanka has a high number of elderly returnees), it would be desirable to fund projects addressing the needs of this specific group. Other such examples are supporting a home for the elderly or maintaining partnerships with local hospitals, which may ensure long-term medical support for vulnerable returnees from Switzerland.
- (iv) *Linking returnees:* Already-returned persons can, if desired by both parties, facilitate the social and economic reintegration of newcomers (already-returned persons can act as mentors).

(b) Measures improving economic integration:

Experiences of Swiss AVRR programmes indicate that a mix of in-kind and cash assistance has proven to be the most sustainable way of supporting returning migrants with reintegration assistance. The cash share is usually paid shortly before or after the return, so that the returnee can cover the basic needs for the first days and weeks after the return. Another share of the return assistance is invested in the form of in-kind contribution to a business project. However, experiences show that not all returnees have the competence to implement a small business. Therefore, it seems important to consider further economic fields, such as the following:

¹⁸ IOM practices "social counselling," which is already being used in Iraq for returnees departing from Norway.

- (i) *Job placement:* Within the job placement scheme, a part of the returnee's salary is paid by his/her reintegration assistance. In return, the employer agrees to a contract that employs the migrant for at least one year. This scheme is particularly beneficial for returnees with rather few entrepreneurial skills. Yet, potential availabilities or the appropriateness of job placement programmes depend on the economic conditions within the country of return. For example, the current economic climate in Iraq presents returnees with a good chance of receiving offers in a job placement scheme. On the other hand, the current economic climate in Nigeria is rather difficult; finding job placement schemes for returnees is challenging. However, there are solutions, such as expanding the programme contacts and partnerships within the private sector.
- (ii) *Microcredit:* Low-interest loans have widely been recognized as a positive means of supporting business activities of returnees. Yet, banks have traditionally excluded migrants from low-interest loan schemes because of returnees' lack of permanent residence due to migratory history. This inaccessibility of microcredit for returnees may be overcome through a joint cooperation between IOM, SEM and credit unions. SEM could act as a guaranteeing institution and conclude contracts with credit institutions. In case of failure, these contracts could guarantee reimbursement to the credit institutions. It should be noted that this scheme cannot be equally applied to all countries. In a strongly competitive market such as Nigeria, for instance, it may be very difficult for returnees to pay back their loans due to the very high cost of living in the country. Furthermore, the microcredit scheme may be especially appropriate for people with experiences in business and finance.
- (iii) *Education and apprenticeship scheme in the country of return:* Many returnees have a rather insufficient educational background. Education and apprenticeship schemes linked to subsequent job placement opportunities, such as on-the-job trainings, internships and college classes, can therefore be seen as crucial instruments of AVRR programmes. These could be implemented within already existing local and international businesses and colleges or designed according to this function. To motivate returnees and opt for such a solution, the SEM could lower the costs for such education and apprenticeship schemes by contributing to the wages or scholarships of the returnee.

The following reflections should be considered with regards to new potential future structures and ways of implementing AVRR programmes:

- a. Professional trainings, as one instrument of reintegration assistance, should match the individual interests and qualifications of the returnee. Yet, professional fields and education schemes should also be considered in accordance with the actual demand and possibilities within the local economy. As the goal of the education scheme is to provide employment in the free labour market, it is paramount to choose sustainable industries and educational classes, offering the returnee potentially consistent and long-term professional perspectives.
 - b. Wages, during the training/apprenticeship period, should respect and be paid in accordance with the local wage of a similar business to allow the returnee to fully (re-)integrate in a sustainable manner.
 - c. Depending on the economic climate in the countries of return, education and apprenticeship opportunities may be limited, especially in remote areas of the countries of return. The prospects and feasibility of such an instrument will therefore have to be examined carefully.
 - d. IOM missions in the countries of return shall engage with the private sector to provide educational and professional possibilities for returnees.
 - e. All returnees implementing small businesses are obliged to participate in a five-day business training. This training covers topics, such as accounting, business management and others.
 - f. For all returnees to profit from this offer, people living in remote areas could get transport and accommodation assistance during the education programme.
- (iv) *Community projects*: Due to their migration history, returnees are often discriminated. Projects that support the larger community or family in the place of return can facilitate their social and economic reintegration. The same strategy could be applied to vulnerable returnees and persons who depend on long-term support. In the AVRR to Tunisia, IOM already implemented community projects and the monitoring report showed clear evidence that this type was more successful than normal income-generating projects.¹⁹

¹⁹ Interim Monitoring Report June 2014: AVRR Tunisia, p. 11: “There is a notable difference between the relative percentages of operational and income generating projects according to whether beneficiaries implemented an individual or a community project. Thus, 88 per cent of all community projects (61 projects) versus 58 per cent of all individual projects (49 projects) were generating revenue at the time of the monitoring interview.”

Several of the ideas above can be opened up also for locals/non-returnees. The added value to include non-returnees would be to avoid considering migration as generating opportunities abroad and at home and support the reintegration of the returnees through reducing stigmatization (both groups work in the same project).

New partnerships

Measures supporting the reintegration of returnees have to consider the conditions and factors in the country of return. Therefore, the mandated organization in the CoO (for example, IOM) has to cooperate with several organizations. The following possibilities may be considered, among others:

- *Strengthening the cooperation with the countries of return:* Wherever possible, countries of return shall be actively involved in the design and implementation of programmes. It is ideal that, through newly formed partnerships, government institutions in the country of return would assume responsibilities of the challenging and complex cases within AVRR programmes, such as medical and return cases of vulnerable people. Moreover, governments, together with IOM, could visit the AVRR projects of their returnees (that is, final monitoring evaluations and others).
- *Increasing cooperation with existing development and social projects in the country of return:* Closer collaboration with local NGOs and other development organizations should be aspired, in order to reintegrate vulnerable returnees and enhance the reintegration assistance, thus making it more sustainable.
- *Involvement of the diaspora:* Through pilot projects, the diaspora could become more involved in reintegration measures for returnees from their countries. This could range from integration in companies that they manage from Switzerland, to investments in projects of returnees. Yet, before partnerships with new actors could be formed, capacities and motivations of future potential partners would need to be carefully evaluated.
- *Increasing cooperation with the private sector:* While an increasing collaboration with the private sector, as mentioned above, may play an important role in job-placement programmes, new partnerships could also involve corporate responsibility initiatives, such as the sponsoring of community projects for returnees (namely income-generating projects managed by a team of returnees and others). Within the job-placement programmes, companies could offer employments directly on location or recruitment companies could include this target group in their offer.

Measures promoting integration in the country of return

As integration is a process that concerns all members of society, equality of rights and opportunity and the possibility to participate in a social, economic, cultural and political life are necessary factors for a successful social and economic integration. This assumes that within society and economy, social sectors, such as employment, habitation, education, health care and others must be willing to equally participate. The experience in the reintegration assistance of returnees shows repeatedly that the success of an individual's reintegration depends on the social, economic and structural fields. Equal participation depends on effective capacities and the possibilities for such participation.

Measures supporting the individual reintegration of returnees should always be included in general integration measures. Therefore, migration partnerships mentioned in Article 100, para. 1 of FNC should be used to stimulate, through specific measures, governments' willingness to participate in AVRR programmes in countries of origin.

4.2.4 Monitoring and evaluation

Monitoring

Recent research on migrants' decision-making on voluntary returns, as well as sustainability of such returns, is scarce. Therefore, gathering data to inform reintegration assistance policies and programmes is key to allowing potential evidence-based adjustments thereof. Thus, reintegration programmes should systematically include a monitoring component both in the form of interviews with programme and policy stakeholders – including interviews with programme beneficiaries prior and after their return – and quantitative data gathering. The collected data promote internal and external accountability of the resources used for implementing a reintegration assistance programme and the results obtained.

Evaluation

Reintegration assistance programmes should systematically be reviewed to measure their relevance, effectiveness and impact. Based on data collected within the framework of monitoring activities, evaluations can be conducted and inform strategic decisions on the future orientation of the programmes. Thus, financing for conducting external evaluations should be systematically included in the budgets of reintegration assistance programmes.

4.3 Increased cooperation within Europe with focus on a closer cooperation with the European Union

At the European level, the gradual implementation of the free movement of persons regarding European Union and EFTA States (1 June 2002),²⁰ and in particular Switzerland's association with Schengen and Dublin in December 2008, led to an active positioning and a bilateral and multilateral cooperation between Switzerland and European partners in the migration field. With the association of Schengen/Dublin, asylum-seekers can not only be transferred to their State of origin, but also to the Member Countries of the Dublin Agreement where the first application for asylum was submitted.²¹ Switzerland has therefore been obliged to adopt the minimum standards, defined in the Directive of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).²²

Measures on return and departure assistance are always complicated by the conflicting imperatives of domestic, economic and foreign policy decisions regarding the regulation of immigration. Therefore, as has already been done, measures have to be well coordinated and interlinked within Switzerland, as well as at the international level.

At the European level, Switzerland's greater involvement within the Schengen/Dublin Agreement for the development, introduction and implementation of common departure and return assistance standards in all Member States would be desirable. These standards should be based upon best practice examples of reintegration assistance programmes and not on the lowest common political denominator among the negotiating Member States.

²⁰ Since 1 January 2002, the agreement for the "old" European Union Member States (EU-15) and EFTA States has entered into force. Due to the European Union's expansion on 1 May 2004, the agreement has been complemented by a protocol regulating the free movement of persons within the 10 new European Union Member States (EU-8; from the beginning, Cyprus and Malta were under the same provisions as the 15 "old" Member States, therefore they build the EU-17 States). On 8 February 2009, the Swiss electorate approved the continuation of the Agreement on the Free Movement of Persons and Protocol II, including the expansion of the agreement for Romania and Bulgaria. On 1 June 2009, the protocol entered into force. (Source: SEM website, www.bfm.admin.ch/content/bfm/de/home/themen/fza_schweiz-eu-efta.html).

²¹ In 2012, for example, 4,330 people have been transferred to the country of first asylum (Source: Statistics SwissREPAT).

²² In connection with the Return Directive, Switzerland had to reduce the duration of detention from 24 to 18 months.

4.3.1 Dublin and return assistance

During the past years, a transformation of the European destination countries has been observed. Analyses showed that migrants have often lived for several years in Southern Europe before moving to Switzerland, searching for working possibilities due to economic crises. These concerned persons fall in the category of foreign nationals, as well as in the asylum sector. For this reason, a close cooperation within Europe, and especially with neighbouring countries, is necessary. This includes not only measures on the management of new challenges, such as regulating the access to social welfare, but also the implementation of a coherent departure and return policy within the European area of free movement of persons as well as within, but not including third countries.

Switzerland already takes part in FRONTEX's "joint flights in forced return" and participates in numerous working groups on European Union return assistance. Due to its many years of experience in return and departure assistance for people losing their residence permit status, Switzerland would be suitable for a leading role in this field. Additionally, in collaboration with IOM, International Centre for Migration Policy Development and other organizations, Switzerland has already taken part in European projects concerning return and departure assistance, such as the following:

- *VREN (Voluntary Return European Network)*: The VREN-E-Community, a web-based platform between the European Union Member States, Switzerland and Norway, facilitates the exchange of information on the voluntary return of third-country nationals to their CoO.
- *IRRIco II (Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin)*: IRRIco II is a project implemented by IOM that aims to inform migrants about the return and the possibilities of reintegration in their countries of origin. The information is communicated through country reports about housing, education, employment, transport, business opportunities, health-care system and individual questions. Furthermore, contact lists with addresses of relevant organizations and service providers, such as hospitals, schools, universities, ministries, NGOs and the like have been created.

Further action on the Dublin system is needed at the European level. IOM Switzerland and SRC, through their return assistance programmes, have regularly seen that people identified as Dublin cases would prefer returning to their CoO rather than the relevant Member State. However, past experiences show that the federal government excludes Dublin cases from return assistance programmes when there is a significant increase.

This reaction can be understandable when reacting to a *potential pull* effect. On the other hand, such developments show that, for Dublin cases, departure and return in the CoO instead of an irregular stay in Europe represents a more realistic option. It is advisable for all Member States of the Dublin Agreement to offer similar standards on voluntary return assistance to the CoO in the near future to reduce repeated transfer from one Dublin State to another. Here again, Switzerland could play a pioneering role in increasing participation and co-financing European Union projects and initiatives. This would encourage the sharing of experiences and offer the possibility for Switzerland to support some specific projects on return assistance in collaboration with other chosen countries.

Annex I: Terminology

PARTICULAR TERMS USED IN THE PAPER²³

assisted migration

The movement of migrants accomplished with the assistance of a government, governments or an international organization, as opposed to spontaneous, unaided migration.

See also *assisted voluntary return*, *spontaneous migration*.

assisted voluntary return

Logistical and financial support to rejected asylum-seekers, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

asylum-seekers

Persons seeking to be admitted into a country as refugees and awaiting decision on their application for refugee status under relevant international and national instruments. In case of a negative decision, they must leave the country and may be expelled, as may any alien in an irregular situation, unless permission to stay is provided on humanitarian or other related grounds.

deportation

The act of a State in the exercise of its sovereignty in removing an alien from its territory to a certain place after refusal of admission or termination of permission to remain.

detention

Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention: (a) criminal detention, having as a purpose punishment for the committed crime; and (b) administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of the countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

²³ R. Perruchoud and J. Redpath-Cross (eds.), 2004.

diaspora

Refers to any people or ethnic population that leave their traditional ethnic homelands, being dispersed throughout other parts of the world.

Dublin Convention

An agreement between EU States (adopted in 1990, entered into force in 1997) determining which Member State of the European Union is responsible for examining an application for asylum lodged in one of the contracting States. The Convention prevents the same applicants from being examined by several EU Member States at the same time, as well as ensuring that an asylum-seeker is not redirected from State to State simply because no one will take the responsibility of handling his/her case.

expulsion

An act by an authority of the State with the intention and with the effect of securing the removal of a person or persons (aliens or stateless persons) against their will from the territory of that State.

expulsion order

The order of a State informing of the prohibition of a non-national to remain on its territory. This order is given either if the individual entered illegally on the territory, or is no longer authorized to remain in the State. This order is generally combined with the announcement that it will be enforced, if necessary, by deportation.

forced return

The compulsory return of an individual to the CoO, transit or third country, on the basis of an administrative or judicial act.

integration

The process by which immigrants become accepted into society, both as individuals and as groups. The particular requirements for acceptance by a receiving society vary greatly from country to country; and the responsibility for integration rests not with one particular group, but rather with many actors: immigrants themselves, the host government, institutions and communities.

involuntary repatriation

Repatriation of refugees to the CoO induced by the receiving country by creating circumstances which do not leave any other alternative. As repatriation is a personal right (unlike expulsion and deportation which are primarily within the domain of State sovereignty), as such, neither the State of nationality nor the State of temporary residence or detaining power is justified in enforcing repatriation against the will of an eligible person, whether refugee or prisoner of war. According to contemporary

international law, prisoners of war or refugees refusing repatriation, particularly if motivated by fears of political persecution in their own country, should be protected from refoulement and given, if possible, temporary or permanent asylum.

irregular migrant

Someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country. The term applies to migrants who infringe a country's admission rules and any other person not authorized to remain in the host country (also called clandestine/illegal/undocumented migrant or migrant in an irregular situation).

irregular migration

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.

migrant

At the international level, no universally accepted definition of migrant exists. The term migrant is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of "personal convenience" and without intervention of an external compelling factor. This term therefore applies to persons and family members, moving to another country or region to better their material or social conditions and improve the prospect for themselves or their family.

migrant in an irregular situation

See *irregular migrant, undocumented migrant worker*.

migration

A process of moving, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, uprooted people and economic migrants.

minor

A person who, according to the law of the relevant country, is under the age of majority, that is, is not yet entitled to exercise specific civil and political rights.

mixed flows

Complex population movements including refugees, asylum-seekers, economic migrants and other migrants.

regular migration

Migration that occurs through recognized, legal channels.

regularization

Any process by which a country allows aliens in an irregular situation to obtain legal status in the country. Typical practices include the granting of an amnesty (also known as “legalization”) to aliens who have resided in the country in an irregular situation for a given length of time and are not otherwise found inadmissible.

reintegration

Re-inclusion or re-incorporation of a person into a group or a process, for example, of a migrant into the society of his CoO.

reintegration (cultural)

Re-adoption on the part of the returning migrant of the values, way of living, language, moral principles, ideology and traditions of the CoO’s society.

reintegration (economic)

Reinsertion of a migrant into the economic system of his/her CoO. The migrant shall be able to earn his/her own living. In developmental terms, economic reintegration also aims at using the know-how that is acquired in the foreign country to promote the economic and social development of the CoO.

reintegration (social)

Reinsertion of a migrant into the social structures of his/her CoO. This includes on the one hand the creation of a personal network (friends, relatives, neighbours) and on the other hand the development of civil society structures (associations, self-help groups and other organizations).

repatriation

The personal right of a refugee or a prisoner of war to return to his/her country of nationality under specific conditions laid down in various international instruments (Geneva Conventions, 1949 and Protocols, 1977, the Regulations Respecting the Laws and Customs of War on Land, annexed to the Fourth Hague Convention, 1907, the human rights instruments, as well as in customary international law). The option of repatriation is bestowed upon the individual personally and not upon the detaining power. Repatriation also entails the obligation of the detaining power to release eligible persons (soldiers and civilians) and the duty of the CoO to receive its own nationals. Repatriation as a term also applies to diplomatic envoys and international officials in time of international crisis.

return

Refers broadly to the act or process of going back. This could be within the territorial boundaries of a country, as in the case of returning IDPs and demobilized combatants; or from a host country (either transit or destination) to the CoO, as in the case of refugees, asylum-seekers and qualified nationals. There are subcategories of return which can describe the way the return is implemented, such as voluntary, forced, assisted and spontaneous return; as well as subcategories which describe who is participating in the return, for example, repatriation (for refugees).

return migration

The movement of a person returning to his/her CoO or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.

right to return

Another aspect of the right to freedom of movement. According to Art. 13 (2) of the Universal Declaration of Human Rights, 1948: "Everyone has the right to ... return to his country." Article 12(2), International Covenant on Civil and Political Rights, 1966 states that: "No one shall be arbitrarily deprived of the right to enter his own country." Nevertheless, paragraph 3 of the Covenant provides for certain restrictions: "The above-mentioned rights [in Article 12(2)] shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the right and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

Schengen Agreement

Intergovernmental agreement signed in 1985 to create a European free-movement zone without controls at internal land, water and airport frontiers. In order to maintain internal security, a variety of measures have been taken, such as the coordination of visa controls at external borders of Member States. Although the Schengen Agreement was concluded outside the context of the European Union (EU), it has been brought into the realm of the European Communities/European Union under the Amsterdam Treaty, 1997.

third country

A country other than the CoO of a person.

unaccompanied minors

Persons under the age of majority who are not accompanied by a parent, guardian, or other adult who by law or custom is responsible for them. Unaccompanied minors present special challenges for border control officials, because detention and other practices used with undocumented adult aliens may not be appropriate for minors.

undocumented migrant workers/migrant workers in an irregular situation

Migrant workers or members of their families, who are not authorized to enter, to stay or to engage in employment in a State.

voluntary repatriation

Return of eligible persons to the CoO on the basis of freely expressed willingness to so return.

voluntary return

The assisted or independent return to the CoO, transit or another third country based on the free will of the returnee.

vulnerable groups

Any group or sector of society that is at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; any group or sector of society (such as women, children or the elderly) that is at higher risk in periods of conflict and crisis.

vulnerable persons²⁴

A vulnerable person is a fragile person who, for instance, suffers from a disease, addiction, disability or old age. This category also includes single mothers, victims of trafficking and any other person who, due to one's personal situation, needs a specific support.

²⁴ Not from the IOM Glossary.

DESCRIPTION OF INSTRUMENTS IN SWITZERLAND BASED ON THE SWISS LAW

Measures to encourage voluntary and orderly return

Return counselling (according to Article 93(1a), AsylG/Article 66 to 68 AsylV2/4.1. Rückkehrberatung der Weisung III. Asylbereich 4 Rückkehr- und Wiedereingliederungshilfen):

Item	Assignment
Information	Providing information to beneficiaries about opportunities concerning services offered by return counsellor and other measures
Networking	Networking of authorities and other organizations to inform about the return counsellor's functions and other assistance possibilities for departure, return and reintegration.
Case management	<ul style="list-style-type: none"> • Clarification of role and mandate • Clarification of person's willingness to return • Identification and evaluation of specific needs • Illustration perspectives of return and assistance in preparing a return plan • Assistance implementation of the return plan and facilitating access to existing support services • Verification of steps to obtain papers and organization of return journey
Additional tasks	Conduct surveys, specific information, advisory activities and others

Currently, there are advisory centres for return assistance in the following cantons: Aargau, Appenzell Innerrhoden, Appenzell Ausserrhoden, Basel-Landschaft, Basel-Stadt, Bern, Fribourg, Geneva, Glarus, Graubünden, Jura, Lucerne, Neuchâtel, Nidwalden, Schaffhausen, Schwyz (Obwalden, Zug), Solothurn, St Gallen, Thurgau, Ticino, Uri, Valais, Vaud, Zurich, as well as in the federal reception centres Altstätten, Basel, Chiasso, Kreuzlingen and Vallorbe.

Projects in Switzerland (according to Article 93(1b) AsylG):²⁵

Item	Assignment
Projects	Maintaining the possibility of voluntary return

Currently, there are no projects or programmes.

Programmes abroad (according to Article 93(1c), AsylG/Article 71 and 72 AsylV2):

Item	Assignment
Programmes for specified groups of persons	<ul style="list-style-type: none">• Facilitating voluntary return to CoO, home or third country by assistance of preparation, organization and attendance on return journey, transit or entry if desired• Facilitating reintegration in CoO, home or third country by assistance and support of educational, professional and social reintegration
Programmes	<ul style="list-style-type: none">• Providing structural assistance to support local authorities and population• Implementation of measures preventing irregular migration

Currently, SEM implements country-specific return assistance programmes in Tunisia, Guinea and Nigeria. For a return assistance programme to be considered necessary, various criteria must be considered, such as the number of asylum applications, the political situation in the CoO and the willingness of the authorities in the native countries to cooperate with readmission. Compared with individual return assistance, these country-specific programmes contain a more comprehensive assistance as they provide a greater financial support and therefore greater possibilities of project implementation. Furthermore, the local population can be supported in the context of structural assistance as part of the country-specific programme.

²⁵ These measures are not specified on asylum provision or at the directive level.

Individual return assistance (according to Article 93(1d AsylG/Article 73 till 78 AsylV2/4.2. Individuelle Rückkehrhilfe der Weisung III. Asylbereich 4 Rückkehr- und Wiedereingliederungshilfen):²⁶

Item	Assignment
Individual Return Assistance	<ul style="list-style-type: none"> • Reintegration assistance in form of a cash allowance (maximum amount of CHF 1,000 per person), dependent on age (adult/minor) and duration of stay in Switzerland (less than or greater than three months) • Individual return assistance up to CHF 3,000 for a professional, educational or housing reintegration project • Individual medical return assistance up to CHF 3,000 is provided for vulnerable people
Complementary assistance	Assistance of people with particular need of reintegration as for example hardship cases, large families and others (max. CHF 5,000)
Medical return assistance	Additional assistance in form of purchase of medicine or also payment for medical treatment received following return

Travel allowance (according to Article 59a(1) and 59a(2), AsylV2/Punkt 2.5.7.1. Reisegeld der Weisung III. Asylbereich 2 Wegweisung und Vollzug):²⁷

Item	Assignment
Travel allowance	Coverage of basic needs during the return journey to home country or CoO (CHF 50 for minors and CHF 100 for adults or CHF 1,000 for family)

Measures to support forced return

Travel allowance (according to Article 59a (2^{bis}) AsylV2/Punkt 2.5.7.1. Reisegeld der Weisung III. Asylbereich 2 Wegweisung und Vollzug):

Item	Assignment
Financial assistance for return journey	Coverage of basic needs during the return journey to home country or CoO (max. CHF 500) (payment in connection with the return conversation gem. Art. 59a ^{ter} AsylV2)

Disbursement of return travel allowance for return journey has to be requested at SEM.

²⁶ Any person from the field of asylum may apply to the advisory centres in the cantons or in the federal reception and procedure centres for return assistance. Reasons for exclusion are defined in section 3.2 (Beneficiaries and Groups of Excluded Persons) in this paper.

²⁷ Reasons for exclusion are defined in section 3.2 (Beneficiaries and Groups of Excluded Persons) in this paper.

Departure allowance (according to Article 59a^{bis} AsylV2/Punkt 2.5.7.2. Ausreisegeld der Weisung III. Asylbereich 2 Wegweisung und Vollzug):

Item	Assignment
Travel allowance	Serves to unblock the departure of a particularly difficult case (max. CHF 2,000 p.p., payment in connection with the return conversation gem. Art. 59a ^{ter} AsylV2)

Disbursement of travel allowance for return journey has to be requested at SEM.

Exit interview (according to Article 59a^{ter} AsylV2/2.5.7.3. Ausreisegespräch der Weisung III. Asylbereich 2 Wegweisung und Vollzug):

Item	Assignment
Interview about return perspectives	Clarification of person's willingness to return. Helps to identify return perspectives and solutions and reinforce personal responsibility and autonomy concerning independent return
Information	Information about the possibility of obtaining a travel allowance (gem. Art. 59a, Abs. 2 ^{bis} AsylV2 and gem. Art. 59a ^{bis} AsylV2)

The return conversation in foreign administrative detention has been implemented by the cantons (Bern, Fribourg, Uri and Zurich).

Compulsory measures (according to Article 73 to 78 of FNC):

Item	Assignment
Short-term detention (Article 73 FNC)	Detention for opening a directive concerning a stay permit or determination of identity or citizenship
Containment and exclusion (Article 74 FNC)	To prohibit the entrance or leaving of a particular area, when a legal departure decision has been taken for a person who is suspected not to have left the territory within the mandatory deadline
Preparatory detention (Article 75 FNC)	Detention to ensure the eviction process
Detention pending deportation (Article 76 and 77 FNC)	Detention to ensure the enforcement of removal
Coercive detention (Article 78 AuG)	Detention if the final displacement and expulsion on the personal conduct of the person concerned cannot be implemented

Measures to support the independent departure of rejected asylum-seekers

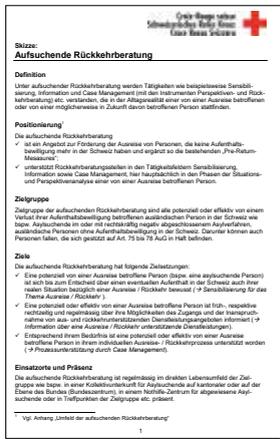
Exclusion from social assistance for asylum-seekers (gem. Article 81(1) AsylG):

Item	Assignment
Exclusion from social assistance for asylum-seekers	Exclusion from social assistance for asylum-seekers in response to an asylum procedure

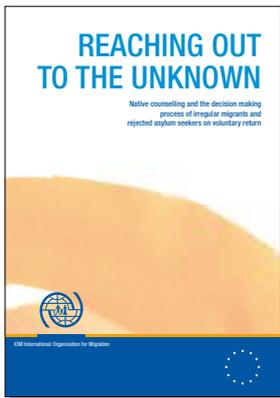
Annex 2: Additional readings



SRC, Handbuch Rückkehrberatung SRK, Theorie-Praxis-Hilfsmittel (Schweizerisches Rotes Kreuz, Departement Gesundheit und Integration, Abteilung Integration und Rückkehr, 2012), available in German and French by e-mail to gi@redcross.ch.



SRC, Skizze Aufsuchende Rückkehrberatung (Schweizerisches Rotes Kreuz, Departement Gesundheit und Integration, Abteilung Integration und Rückkehr, 2013), available in German by e-mail to gi@redcross.ch.



IOM, Reaching out to the unknown: Native counselling and the decision making process of irregular migrants and rejected asylum seekers on voluntary return (IOM, The Netherlands, 2008), available from www.iom-nederland.nl/en/component/docman/doc_view/124-reaching-out-to-the-unknown?Itemid=659 (accessed on 22 June 2015).



International Organization for Migration (IOM)

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Croce Rossa Svizzera**

