

# Study on Return, Readmission and Reintegration Programmes in Africa

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Executive Summary

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The study includes nine Country Briefs of selected African Union Members States, which were developed in close cooperation with respectively nominated focal points, and benefitted from country-level and regional workshops held with key stakeholders. More specifically, appreciation is extended to the below-listed focal points in the studied countries.

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### Steering Committee



### Research Team



## Acronyms

<b>AU</b>	African Union
<b>AUC</b>	African Union Commission
<b>C2CMMD</b>	AU-EU Continent to Continent Migration and Mobility Dialogue
<b>CMW</b>	The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
<b>COMESA</b>	Common Market for Eastern and Southern Africa
<b>COVID-19</b>	Coronavirus Disease 2019
<b>CPR</b>	Civil and Political Rights
<b>CSO</b>	Civil Society Organisation
<b>CoO</b>	Country of Origin
<b>DRC</b>	Democratic Republic of the Congo
<b>EAC</b>	East African Community
<b>ECOWAS</b>	Economic Community of West African States
<b>ERRIN</b>	The European Return and Reintegration Network
<b>EU</b>	European Union
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IOM</b>	International Organization for Migration
<b>KII</b>	Key Informant Interview
<b>MEASURE</b>	Mediterranean Sustainable Reintegration Project
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MPFA</b>	Migration Policy Framework for Africa
<b>OAU</b>	Organisation of African Unity
<b>OFII</b>	Office Français de l'Immigration et de l'Intégration
<b>ORION</b>	Operationalising an Integrated Approach to Reintegration
<b>REC</b>	Regional Economic Community
<b>RRR</b>	Return, Readmission and Reintegration
<b>RSS</b>	Reintegration Sustainability Survey
<b>SADC</b>	Southern Africa Development Community
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations



# Study Objectives and Methodology

The breadth of RRR has been acknowledged and received special attention in international migration within the 2016 New York Declaration for Refugees and Migrants and the 2018 Global Compact on Refugees (GCR), and the Global Compact for Safe, Orderly and Regular Migration (GCM). This report goes a step further to situate the global discourse within a regional context by analysing Africa's legal frameworks on RRR to determine who should be included in RRR strategies and interventions in accordance with the existing continental frameworks.

The origin and development of the RRR framework in Africa has been largely construed as a response to forced displacement, be it internal or external. As a result, Africa has one of the most, if not the most, historical and comprehensive frameworks on RRR globally. This started with the 1969 Organisation of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa ('1969 OAU Convention'), and was further developed in the African Union (AU) Convention for the Protection and Assistance of Internally Displaced Persons (IDPs), the 2009 'Kampala Convention', and other sub-regional instruments.

## Objectives

**This study seeks to answer the following question: "What are key cohesive principles and approaches that can be applied by African Union Member States to ensure migrants' sustainable return, re-admission, and reintegration?"** The research approach was empirically grounded, with a dual focus on these migrants, their hopes, capabilities, and lived experiences of return, readmission, and reintegration (RRR), and governments who aim to improve conditions for sustainable reintegration. The research covered all five sub-regions of Africa, with nine AU Member States represented. The list includes: Morocco and Egypt (North Africa), Sudan (East Africa), Guinea and Nigeria (West Africa), Cameroon and the Democratic Republic of the Congo (DRC) (Central Africa), Mozambique and Mauritius (South Africa).

## Methodology

The research adopted a three-phased approach (Figure 1): (1) An initial desk review and legal and policy analysis frame the findings of the study, and (2) qualitative fieldwork was conducted between August-November 2020, with additional interviews in December 2020-January 2021. The desk review and fieldwork zoomed in on **concrete RRR initiatives from the past five years** in each of the selected countries. In phase (3), in each country, preliminary analysis was presented at a validation workshop, serving as an opportunity to share findings and encourage feedback, including on the formulation of recommendations.



In total, **229 stakeholders and returnees participated in this study**, either as individual interviewees or in the context of workshop participation. **143 individual interviews were conducted, including 72 interviews with returnees or community members in areas of return.**



# Part A

## Legal and Policy Analysis of RRR: Seven Findings

The legal and policy analysis identifies the existing frameworks and provisions and concludes with a synopsis of identified gaps and suggested ways forward. Given the range of available relevant instruments, **one of the key questions to consider is what legal or policy approaches are most coherent to facilitate effective and sustainable reintegration.**

- 1. There is no single legal framework that deals exclusively with RRR**, although aspects of it may be the subject of international, usually bilateral, agreements. Rather, RRR-applicable provisions are included in an array of international, regional, sub-regional and national instruments. The Migration Policy Framework for Africa (MPFA) includes some specific references to all three 'R's, including a definition of readmission and a focus on the community dimensions of reintegration.
- 2. Common provisions are shared by most legal frameworks on return** and uphold the rights of returnees, including: the prohibition of mass expulsion, prohibition of return to a place where a person may be tortured, i.e. the principle of *non-refoulement*, the right to statehood, and the right to compensation in the event of unlawful expulsion. The right to appeal and right to adequate notice and preparation are also common to many frameworks.
- 3. Most provisions on readmission are laid out in bilateral cooperation agreements**, based largely on informal agreements between states, and are often not legally binding. Nevertheless, obligations extend to the returning and receiving states alike, whereby the latter continues to be legally bound by its obligations to respect human rights, such as the principles of equality and non-discrimination. One of the challenges that many African countries may face with regard to readmission, which is clearly articulated in the MPFA, is in identifying the migrant's state of origin so that they may be readmitted.
- 4. Most dimensions relevant to reintegration are not the subject of legislation.** Consequently, the MPFA has proposed for **reintegration programmes to be aligned with national and local development strategies and to be responsive to the needs of the communities to which migrants return.** The community dimension emphasised in the MPFA is considered a determining factor of reintegration.

5. **None of the selected countries has a law or policy that deals exclusively with RRR.** For those countries that may have *relevant* laws and policies, there are a number of challenges: non-domestication of international and regional frameworks, relevant migration policies are in draft form and may lack any reference to RRR, lack of effective and standardised preparation and implementation of RRR, and lack of institutional and operational capacity. There is **no comprehensive data on return migration**.
6. **Legal frameworks related to RRR at the REC levels remain uneven, with gaps in harmonisation of regional legal frameworks.** IGAD and ECOWAS are more developed and have specific frameworks or provisions in place, while other RECs, such as SADC and COMESA, have just begun implementation.
7. **International law as well as regional and sub-regional treaties provide a strong and comprehensive legal basis for RRR interventions that may be adopted at the national level.** Although states have ratified, and in some cases domesticated, some of these treaties and protocols, there are still some key instruments, both at the international and regional level, that have relatively low levels of ratification. These include the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), the Statelessness Convention, the Kampala Convention, or a number of regional Protocols on Free Movement, among others. This limits applicability of international frameworks to RRR policies.





## Part B

# Evidence on RRR: Seven Key Findings

Overall, mounting evidence on supporting the reintegration of return migrants in Africa confirms the need for a holistic approach towards reintegration, with a dual local economic development approach and an individual economic approach centred around jobs, while building on social and psychosocial needs essential to sustaining reintegration gains<sup>1</sup>.

### Seven Themes and Lessons Learned from the Perspective of AU Member States

1. **Defining Effective and Sustainable Reintegration: Addressing Member State Perspectives**
2. **Coordinating and Cooperating at National, Bilateral and Multilateral Levels**
3. **Understanding the Impact of the Return and Readmission Experience on Reintegration**
4. **Planning Locally with Sub-National and Community Involvement**
5. **Enhancing Data, Monitoring & Evaluation (M&E) for Evidence-Based Programming**
6. **Planning for Inclusive Development: Key Gaps and Contextual Considerations**
7. **Planning for Sustainability: Addressing Financial and Administrative Challenges**

1. **Defining Sustainable Reintegration from an AU perspective:** The concept of sustainable reintegration was recently introduced into the 2018 Migration Policy Framework for Africa (MPFA). While the MPFA conceptualises reintegration, it falls short of a comprehensive definition. The study proposes a definition practicable for policy, in the context of the AU governance framework, and responding to a key demand from AU Member States and REC representatives. The majority of stakeholders interviewed agreed with the study definition. Five key requirements were met:
  - a. *Aspirational:* Given the operational realities of other definitions, this definition provides the AU Member States with a common vision and collective outcomes to work toward.
  - b. *Responsibility:* Recognising that governments of the country of origin/return cannot be held solely accountable, responsible or able to respond to the needs of their returnee citizens.

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1 Samuel Hall / University of Sussex (2020)

- c. *Addressing drivers of irregular migration:* Stakeholders pointed to a need to adopt a broader perspective and the need to go beyond remigration to understand the importance of mobility in the African context, confirming the importance of stability and dignity in the reintegration definition.
- d. *Temporality:* A move towards a longer term planning and development exercise that would bring reintegration outcomes closer to a national and local policy agenda, and, as identified by some stakeholders, away from donors' agenda which may prioritise short-term outcomes.
- e. *Harmonisation:* Key to have a common definition of reintegration at the AU-level, for all Member States to be aligned with each other and create a space for learning on policy implications and programming implementation.

The final definition proposed meets this criteria and states the following:

**Sustainable reintegration can be achieved when returnees can rely on expanded capabilities to attain a stable, safe and dignified life of economic self-sufficiency, psychosocial well-being, political, social and civil inclusion, as a result of which they can respond to the drivers of irregular migration.**

2. **Functioning coordination mechanisms for RRR are crucial; however the effectiveness of coordination varied across contexts and was described as a key challenge.** Having national coordination mechanisms in place is a recognised good practice towards effective implementation of RRR support. However, identified best practices on coordination often occur in an ad hoc manner in moments of crisis, whereas mainstreaming these practices in the long term is key. Relatedly, ensuring alignment of sending and receiving country priorities, by identifying and responding to common objectives is necessary to find entry points, to improve communication, and to build ownership for effective programming. Given the differing priorities when it comes to RRR between AU and EU Members States, stakeholders noted the importance of expanding and reinforcing interregional and intercontinental coordination and cooperation. A need for stronger cooperation between RECs was also emphasised.
3. **Ability to prepare for return is a key factor to ensure successful reintegration.** Forced returnees are rarely prepared for their return, and those who return spontaneously are often the best prepared. How return occurs has an impact on the success or failure of longer term reintegration processes. The provision of orientation and counselling prior to return, pre-departure trainings, and strengthened linkages between pre- and post-return support for voluntary returnees is critical for successful reintegration.
4. **Importance of localisation and alignment with locally-led processes.** Integrating RRR programming into longer-term development processes, in particular at sub-national levels, is one way to improve sustainability of reintegration programming and community integration. There remains a gap in partnerships with civil society organisations (CSOs) who are the closest source of support to returnees. While the importance of including communities is

widely recognised, a more critical analysis of what constitutes ‘communities of return’, and what they may or not be able to offer returnees in the reintegration process, is needed to effectively support and build on local partnerships.

- 5. Data harmonisation and common standards remain a key gap.** The lack of continental, regional, or national standards and common indicators on RRR, and especially on reintegration, is a barrier to programming. Where M&E mechanisms are in place, they are designed by individual implementers, and are rarely coherent or comprehensive across institutions. Weak data collection capacity, limited human and financial resources are also an impediment to implementing harmonised M&E. Data sharing is a key obstacle to designing evidence based reintegration programming.
- 6. Inclusion of Returnees in Development Programmes:** Returnees are first and foremost citizens of their country, with access to the same services and national schemes regardless of their status as returnees. However, returnees are often not included in wider national development strategies, and actors noted the specific needs and vulnerabilities of returnees that national services or development programmes could target. While in some cases, specific national development actors have taken a lead role in targeting programmes for returnees, or developing adapted versions, this needs to be further developed.
- 7. Need for Sustainable Funding and Administrative Programme Processes:** Beyond challenges outlined above, two key elements pose common threats to the sustainability of programming: limited funding cycles and sources, and administrative delays in implementing programming. Budget cycles are not always aligned with programme timelines, and programmes that are led by donors often end without a functional funding plan in place for handover to the government. In addition, administrative and bureaucratic delays in deploying programming support have a real impact on returnees’ reintegration processes. Returnees who are eligible for specific return and reintegration support complain of sometimes waiting up to six months without receiving any promised support, impacting both their psychosocial and economic well-being. Implementing partners propose linking the return process with the reintegration process through transitional activities in order to avoid this dip in the reintegration process. The synthesis report provides specific case study examples from programmes on how they address these challenges.

Table 1. Success Factors for Sustainable Reintegration by Category

Theme	Success Factor	Example of a Good Practice from Policy or Programming for Implementing the Success Factor
<b>Coordination and Cooperation</b>	Common Objectives and Harmonised Policy	Nigeria National Migration Policy
	Relationship of trust	Whole of government approach in Cameroon with Technical Working Groups on RRR
<b>Understanding Return and Readmission's Impact on Reintegration</b>	Pre-Departure Preparation	Pre departure counselling and training for Sub-Saharan migrants preparing to leave Morocco; German, Dutch information sharing and pre-departure counselling.
<b>Locally-led Planning</b>	Collective Approaches to Programming	Provision of good value for money. E.g. in Guinea of a banana farm by a group of returnees, which now sustains the whole community.
	Inclusion of Municipal Actors	Municipal actors (mayor) in Guinea provide training space free of charge and have actively interested themselves in returnee well-being, enhancing social inclusion.
<b>Enhancing Data and M&amp;E for Evidence-Based Planning</b>	Harmonisation of Reintegration Assessment Indicators	IOM's MEASURE project set standards for reintegration with harmonised indicators
	M&E tracking over time	IOM's Reintegration Sustainability Survey (RSS) follows up with returnees in a longitudinal manner, over a period of at least one year.
<b>Planning for Inclusive Development</b>	Personalized Support/ Individualized Mentoring	In Morocco, CEFA has adapted programming to be flexible, meeting individual needs and capacities based on personalised discussions. A mentoring approach has been piloted by IOM under its ORION project in Guinea, Senegal, and Morocco. OFII includes a personalised and individual coaching for the development of business plans.
	Targeted and Incentivised Training	OFII includes market assessment and feasibility studies in the development of returnee business plans; in Cameroon employment subsidies for returnees partaking in training
<b>Addressing Sustainability: Financing and Administration</b>	Adequate financing	OFII provides up to EUR 5000/returnee for the development and implementation of a business plan; amounts are flexible depending on the plan's needs.



## Part C

# Conclusions and Recommendations

## A common vision for sustainable reintegration in AU Member States

This study concludes on five messages, which, if applied across AU Member States, would significantly contribute to improving prospects for sustainable reintegration, as defined in this study. These messages set a collective vision and roadmap for the next five years for the AU to take forward:

### 1. Increased ownership and capacity development of countries of origin

By adopting **one continental definition of sustainable reintegration, the AUC can set a common standard and vision** for all AU Member States. This vision will require the roll out of functional governance and political commitment for positive and proactive relationships between:

- **Countries of destination and countries of origin** to ensure that demands for country of origin ownership are realistic and feasible, adequately supported by capacity development, institutional and financial support, and joint planning. Capacity building should not only target governmental partners but also civil society organisations in the countries of origin and communities of return.
- **Government and non-government stakeholders at the national level.** This will require collaboration and coordination mechanisms, which meet regularly and provide platforms for streamlined information sharing and coordination. The best coordination mechanisms, based on lessons learned, should not only include government and international actors, but also civil society representatives, donors, and returnees themselves.

### 2. Increased knowledge on reintegration by countries of origin

To benefit from lessons learned on the above efforts, **a common continental platform for coordination and learning** will need to be set up to extract good practices, success factors and learn from failures for adaptive planning and programming, with the participation of international, national and local actors. This will be directly linked to the monitoring and evaluation (M&E)

systems through which countries of origin would have access to broader learning and increase their knowledge. Such a continental platform will require **access to reliable and regularly updated migration and return data**, both nationally, transnationally, regionally and on a continental level. This can start by integrating **monitoring indicators on common reintegration outcomes** across all reintegration programmes on the continent, **under the aegis of the AUC in partnership with the regions from where migrants are returning**.

### 3. Proper linkages between reintegration and development programmes

The available evidence points to the fact that the two worlds of reintegration and development programming remain disconnected. The necessary linkage may happen from the bottom up, through:

- **Locally-led and participatory development processes, inclusive of sub-national actors, civil society organisations, and returnees themselves:** this may take different forms depending on the country, whether that is in the form of a decentralised process, or inclusion of sub-national actors and returnees in top-level conversations. Development planning will need to be inclusive of civil society and returnees to ensure that the specific profiles and needs of returnees are accounted for, to facilitate their reintegration into society. Guidance will be needed for development actors to know how to plan for this, whether in decentralised policy processes or in local development plans and programmes.
- **Individualised and context-specific programming:** within a same area or community of return, different returnees will showcase different capabilities and relationships. There is no “one size fits all” approach – to be effective and sustainable, reintegration programming can learn from development programmes’ area-based approach, to first integrate the context specificities, then go a step further to include the specific needs and skills of returnees in development programmes. This will require a re-conceptualisation of reintegration programming as an area-based approach, and of development programming as an individualised process.

### 4. Greater engagement with the private sector

While broadly recognised as necessary, there are still many questions around **how to engage with the private sector on sustainable reintegration**. The consensus across the AU Member States included in this study was to favour structured a dialogue, involving the private sector upstream in the programming, and linking with civil society organisations, where relevant. **Partnerships with the private sector** may take the form of structural public-private partnerships with private sector entities or agreements with individual private sector employers, which could include subsidies for employment of returnees, as well as inclusion of private sector actors in coordination platforms.

### 5. Need for innovative approaches for reintegration programme implementation – how the reintegration services are delivered

As noted above, individual, flexible and tailored programming is a requirement for sustainable reintegration. Among such approaches, good practices show the positive returns of a mul-

ti-dimensional approach to reintegration that pays equal attention to the economic, social and psychosocial dimensions. To expand returnees' capabilities and facilitate their inclusion in their return communities or ecosystems, additional support beyond economic programming is needed, to mentor and accompany returnees after return, including through social and psychosocial support. Further examples of such innovation are collective approaches, especially when jointly setting up businesses or (agricultural) cooperatives as well as cash interventions.

To be sustainable, **flexible reintegration programming will require flexible and joint funding**: this involves planning for the end of project cycles and transitions in funding, with an awareness of national budget cycles and development planning, and by joining donor contributions into one reintegration fund rather than separate funding streams, or through alternatives that streamline funding sources and programmes.

## Recommendations to Member States

Member States have a responsibility to adhere to ratified conventions and protocols within their countries, and to coordinate and facilitate implementation of programming support. Individual country recommendations can be found in the Country Briefs, and overall member state recommendations, as detailed in the full synthesis report, fall across four key themes:

1. **Institution building**, including expansion of existing structures and coordination with the AUC
2. **Legal and policy coordination and planning**, including enhanced regional and bilateral cooperation, inclusion of returnees in development planning, and cooperation on pre-return support
3. **Locally led approaches**, including clear allocation of responsibilities between national and local government actors, inclusion of civil society and private sector actors, and contextually appropriate community programming
4. **Data M&E and learning**, including strengthening national level monitoring systems and advocating for harmonised tools at continental levels

## Recommendations to RECs

RECs can have an advocacy and coordination role towards their own Member States. In addition, RECs can link to each other more actively. Recommendations along this role include:

1. **Advocate the implementation of humane, rights-based, and safe treatment of intra-African migrants.**
2. **Support Member States on issues such as social protection and social security.**

3. **Implement training and learning mechanisms, events and platforms *between* RECs**, whereby the African Union Commission (also via the Mali Centre) can serve as a platform for RECs to take a more leading role.

## Recommendations to the AUC

The **AU has an advocacy, communications, and coordination** role to play vis-à-vis Member States. Recommendations along this role include:

1. Facilitate the **adoption of common definition of reintegration** applicable across Member States
2. Support Member States in **standardising readmission agreements**
3. Support Member States in **extending social security coverage and portability**
4. Develop **partnerships with RECs to promote and identify strategies to accelerate ratification of the AU Free Movement Protocol** by Member States
5. Facilitate experience and information sharing between RECs on a regular basis
6. Strengthen **monitoring of the implementation of the MPFA** to identify where gaps lie between policy and practice
7. Advocate for **reintegration strategies that adopt an area-based or ecosystems approach**
8. Examine and plan for the **long-term financing of reintegration** with the EU and other partners





