

# Addressing secondary movements

## CHAPTER 8





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## Introduction

Mixed movements, whether voluntary or forced, regular or irregular, may involve several countries through which persons merely transit or in which they stay for shorter or longer periods of time. A variety of factors determine an individual's route, including:

- the time of, and reasons for, departure;
- entry, transit and exit requirements in the countries concerned;
- personal circumstances;
- material resources;
- historical or cultural ties to specific countries;
- family and other transnational social networks; and
- rumours and chance.

These factors may change during the course of an individual's journey. A final destination may also be determined by human smugglers facilitating travel. To the extent possible, an individual will consider all factors known to him/her and choose the best option based on an assessment of the particular circumstances, perceived risks, costs and benefits. Refugees and asylum-seekers are no exception. Many settle in the first country in which they arrive. Others are compelled or choose to transit through several countries before gaining access to international protection.

Refugees and asylum-seekers who have found protection may also subsequently move on to other countries. Such "secondary movements" of asylum-seekers and refugees can be of concern, both to States and to UNHCR, if they take place without the requisite authorizing documentation. Irregular secondary movements generally reflect a lack of available protection for refugees and asylum-seekers, including access to timely durable solutions.

In addition, secondary movements may in themselves create additional protection challenges. Irregular travel is often dangerous and can put the individual concerned in vulnerable situations. If both continued stay in the country of destination and re-entry to the first country of asylum are denied, "orbit" situations can be created where asylum-seekers are shifted from one country to another without having their asylum claims assessed. Orbit situations may ultimately result in *refoulement*.

As with any irregular movement, secondary movements can raise the spectre of transnational criminal and terrorist networks. States have expressed concern that secondary movements of refugees and asylum-seekers feed the human smuggling and trafficking industries, and make it more difficult for States to manage their asylum systems. Restrictive mechanisms adopted by States, such as increased border controls, visa requirements, prolonged detention and deportation, are in part a response to such concerns. In some countries, the asylum applications of secondary movers are rejected regardless of their protection needs or whether they can return to, and find protection in, the first asylum country. These decisions are based on the assumption that protection had already been found elsewhere.

Secondary movements have also created tensions between countries. Diverging interests of transit and destination countries have made it difficult to negotiate fair arrangements for international cooperation and burden sharing in this area.

Addressing secondary movements requires a strategy based on a careful and informed analysis of root causes that takes into account the legitimate concerns of all involved States and the rights and well-being of the individuals concerned. Strengthening protection capacities in first countries of asylum is often the best way to eliminate the causes of secondary movements. Some regions have also begun to harmonize standards with regards to asylum procedures and protection and to agree on cooperative arrangements to reduce secondary movements. While these arrangements may have shortcomings, they represent a positive step towards establishing effective responses to secondary movements.

## Operationalizing mechanisms for addressing secondary movements: Suggestions for stakeholders and support UNHCR can provide to partners

### Suggestions for stakeholders

- Analyse the scope and root causes of secondary movements and the dynamics of such movements (push and pull factors).
- Enhance the protection capacity in host countries where it is inadequate, and reduce disparities in the level of protection granted in different countries.
- Inform asylum-seekers and refugees of the dangers of irregular onward movement through advocacy and assistance, including information campaigns, higher education projects and income-generating activities.
- Negotiate cooperative agreements among States in line with international standards.
- Facilitate the return of secondary movers to first countries of asylum where it can be ensured that protection safeguards, including the availability of international protection and durable solutions for refugees, are in place.

### Support UNHCR can provide to partners

In its own operations, UNHCR is identifying and eliminating disparities in the level of assistance and protection services which the Office provides in different countries, particularly with regard to similar caseloads. To this end, UNHCR aims to achieve:

- greater consistency in waiting periods to access registration and RSD;
- harmonized recognition rates for similar groups of asylum-seekers; and
- equal access to similar durable solutions for refugees in the same or in comparable situations in different countries of first asylum.

To assist partners, UNHCR may also:

- collect information on, and analyse root causes of, secondary movements;
- draw attention to discrepancies in asylum practices and assist in enhancing protection capacities;
- assess protection risks in the country of first asylum and provide advice on the feasibility of return in line with international refugee law;
- inform asylum-seekers and refugees about the risks of irregular secondary movement;
- support governments in establishing regional and bilateral protection approaches to address secondary movements in line with international standards;
- facilitate re-admission and return between countries of first asylum and host countries; and
- monitor the implementation of re-admission agreements.

## 8.1. Assessing the scope and root causes of secondary movements

The importance of data collection and analysis on mixed movements was discussed in Chapter 2. Several recent surveys have highlighted the added value of gathering information specifically on secondary movements in order to develop an understanding of the scope and root causes of such movements. Accurate information helps to identify gaps and provides a solid basis to develop appropriate policy responses.

### **SURVEY ON SECONDARY MOVEMENTS, SWISS FORUM FOR MIGRATION AND POPULATION STUDIES 2004 – 2005**

#### **A. Background and Rationale**

Within the framework of UNHCR's Convention Plus Initiative,<sup>1</sup> the Swiss Forum for Migration and Population Studies (SFM) carried out a survey on the travel routes of Somali asylum-seekers and refugees and their motivations for undertaking secondary movements.

Interviews were conducted with a sample set of Somali refugees and asylum-seekers in eight countries, namely: Djibouti, Egypt, Ethiopia, Kenya, the Netherlands, South Africa, Switzerland, and Yemen. Extensive fieldwork was carried out in every country with a total sample of 814 refugee respondents and approximately 100 experts and community leaders.

#### **B. Actors**

- Government of South Africa;
- Government of Switzerland;
- Somali asylum-seekers and refugees;
- Swiss Forum for Migration and Population Studies; and
- UNHCR.

#### **C. Actions**

- Eight country studies were conducted between September 2004 and July 2005.
- Each country study took an average of four months and focused on three major issues: refugee protection regimes (e.g. law, policy and practice); the motivations and movement strategies of Somali refugees and asylum-seekers; and available statistical data to describe the movements.
- In each country, interviews were carried out with community leaders, "privileged observers" and other experts, including representatives of the government, UNHCR, NGOs, lawyers and researchers.
- The questionnaires were adapted to each context and each interviewee.

<sup>1</sup> Convention Plus was an international effort initiated and coordinated by UNHCR that aimed to improve the protection of refugees (including by finding durable solutions for them) through multilateral cooperation. For further information, see <http://www.unhcr.org/pages/4a2792106.html>.

## D. Review

The survey is the most comprehensive regional study on secondary movements of Somali refugees and asylum-seekers. It provides a comprehensive overview of their motivations for onward movement. The aim of the survey was to gain insight into refugee reception conditions and asylum procedures, and to have a better understanding of the host countries' general attitude towards Somali refugees. The survey found that most refugees and asylum-seekers were motivated to move from their current host countries by the search for legal and socio-economic security. Secondary movement was used as a "rational coping mechanism" for asylum-seekers who could not effectively access international protection in the country of first asylum.

## E. Further Information

**Annex 1** – Moret, J., Baglioni, S. and Efiionayi-Mäde, D. *The Path of Somali Refugees into Exile*, SFM Studies No. 46, 2006

## Additional Examples

### **Trees Only Move in the Wind: A Study of Unaccompanied Afghan Children in Europe**

This study was commissioned by UNHCR and carried out between November 2009 and March 2010. It focuses on the root causes of cross-border movements of unaccompanied children from Afghanistan and their onward movement to Europe. Interviews were conducted with approximately 150 young Afghan boys in six European countries. The research showed that the predominant factors triggering onward movements were a lack of durable solutions and complex asylum systems in countries of transit. The movement of each child was, however, unique and included a combination of factors. The study provided baseline data for future policy research on unaccompanied and separated children and will inform UNHCR advocacy strategies to protect children on the move.

**Annex 2** – Mougne, C., *Trees only move in the wind: A study on Unaccompanied Afghan children in Europe*, UNHCR, 2010

See also Altai Consulting, *Study on Cross-Border Population Movements between Afghanistan and Pakistan*, UNHCR, 2009, available at:

<http://www.unhcr.org/4ad448670.html>.

### **Survey on Secondary Movements, UNHCR-Mauritania 2006-2007**

In 2006-2007, UNHCR-Mauritania undertook a survey to better understand the scope of, and reasons for, secondary movements in West Africa. A sample set of foreign nationals from countries representing mixed movements into Mauritania were interviewed using a questionnaire that was specifically designed for this purpose. The results of the survey demonstrate that the choice of destination countries is mostly ad hoc and influenced by variables, such as the difficulty of travel and entry as well as the reception conditions in a particular country. The questionnaire was successful in gathering sensitive information on motivations for secondary movement. However, it did not specifically enquire whether or not asylum-seekers and refugees moved onward for protection-related reasons.

**Annex 3** – Bullejos, J. N., *Rapport final sur les mouvements secondaires des flux migratoires mixtes arrivant en Mauritanie*, UNHCR, 2007

### **Survey on Secondary Movements in Romania: The Asylum-Migration Nexus**

This survey, conducted by an independent researcher, used interviews to determine the motivations of asylum-seekers and refugees taking part in secondary movements. On the basis of the 10-Point Plan, the survey explored the extent to which the secondary movement of asylum-seekers and refugees may be occurring to and from Romania, as well as the factors that could be influencing this movement.

**Annex 4** – Munteanu, A., “Secondary movement in Romania: The asylum-migration nexus”, *New Issues in Refugee Research*, Research Paper No. 148, 2007, available at: <http://www.unhcr.org/refworld/docid/4c2472ed0.html>

### **Data Collection Questionnaire on Secondary Movements**



This questionnaire was developed within the framework of the Somali and Eritrean Secondary Movements Working Group initiated by UNHCR in 2009. The Working Group aimed to identify the root causes of secondary movements, to map UNHCR’s response in the various countries and to develop interventions to mitigate such movements. A standardized questionnaire was developed and used to collect both quantitative and qualitative data and covered key countries of asylum, transit and destination for Somalis and Eritreans.

**Annex 5** – UNHCR, Questionnaire for Data Collection, 2009

### **The Afghanistan Protection Assessment Form**



The Afghanistan Protection Assessment Form was developed by UNHCR-Malaysia in 2010. It includes questions on secondary movement among asylum-seekers from Afghanistan, many of whom have lived outside Afghanistan, in particular in Iran and Pakistan, for extended periods. The form is designed to collect information on the reasons for leaving Afghanistan, on access to asylum in the first country of asylum and on reasons for onward movements, as well as to identify vulnerabilities (e.g. legal and physical protection needs, serious medical conditions, mental and physical disabilities, experience of violence or torture, unaccompanied elderly refugees or unaccompanied and separated children). The information gathered in Malaysia and other field operations in Asia is collected through the use of dedicated registration data fields related to “Onward Movement”. The data is monitored and analysed by the Regional Hub for Asia and the Pacific and informs UNHCR’s protection strategies in the Asia Pacific Region.

**Annex 6** – UNHCR, Afghanistan Protection Assessment Form, 2010



## 8.2. Strengthening protection capacities in countries of first asylum and informing persons about the risks of irregular onward movements

Some States experiencing large numbers of persons arriving as part of secondary movements have been supporting host countries with insufficient protection capacities, both directly and through funding projects implemented by UNHCR and other humanitarian actors. Additional projects to those found below are described in Chapters 4, 6 and 7.

### GREECE: SUPPORT FOR ENHANCED ASYLUM MANAGEMENT 2010 – 2012

#### A. Background and Rationale

Support for enhanced asylum management (“the Project”) is one component of a grant provided by the UK Border Agency to UNHCR. The Project started in June 2010 with an anticipated completion as of 31 December 2010. However, it is expected that the Project will be renewed for two additional years until 31 December 2012.

The Project has two complementary “pillars”: (enhancement of) reception-screening processes; and (enhancement of) asylum procedures.

Objectives of the Project include: better and more equitable access to asylum procedures; expeditious and effective decision making on asylum claims; and greater confidence amongst asylum-seekers with regard to the effectiveness of the asylum system.

#### B. Actors

- UK Border Agency (UKBA);
- UNHCR-Greece; and
- implementing partners, namely the Greek Council for Refugees (legal aid), “METAction” (interpretation), and IOM-Greece.

#### C. Actions

- Conduct capacity-building exercises with Greek authorities in order to help them establish effective screening procedures for the identification of persons who may be in need of international protection as well as of persons with specific needs;
- support Greek authorities to improve conditions of administrative detention for asylum-seekers and other persons with specific needs;
- support the development of fair and efficient asylum procedures which provide asylum applicants with an adequate opportunity to fully present their asylum claims;
- ensure well-reasoned, first-instance asylum decisions; and
- conduct capacity-building and sensitization exercises on refugee issues with the local community.

#### D. Review

The Project only recently commenced and will be reviewed at the end of 2010 when the first results will be presented and evaluated in order to proceed to a possible renewal. The geographic scope of the Project might be adjusted to correspond to the most urgent needs at the time.



### A. Background and Rationale

The Strengthening Protection Capacity Project (SPCP) is a methodology developed by UNHCR in 2005 to assist governments in identifying and addressing protection challenges through a process of protection assessment, dialogue and joint planning. It aims to develop operational tools and concrete projects to improve protection by strengthening the capacities of both States and local communities to protect refugees and other populations of concern.

### B. Actors

- Danish Refugee Council (DRC);
- Governmental and non-governmental stakeholders in each of the 12 countries in which the SPCP was initiated (i.e. Armenia, Azerbaijan, Benin, Burkina Faso, Ecuador, Egypt, Georgia, Kenya, Tanzania, Thailand, Yemen and Zambia);
- ILO; and
- UNHCR.

### C. Actions

- Conduct a comprehensive analysis of gaps in protection and needs;
- hold national consultations with governments, international and national partners, and persons of concern to discuss the gaps identified and measures to remedy them;
- develop a multi-year plan of action with specific projects to improve legal and administrative capacity, enhance security, ensure that basic needs are met, ensure access to essential services (e.g. education), expand possibilities for livelihood opportunities, and facilitate solutions for the coming years; and
- mobilize resources to implement the SPCP.

### D. Review

The SPCP was supported by several donors, including the EC, and it contributed to improvements in the protection of asylum-seekers and refugees in 12 countries. The key features of the SPCP were mainstreamed into UNHCR's Global Needs Assessment, an initiative that aims to map the overall needs of persons of concern and to determine with partners the interventions and budgets needed to address these needs.

The SPCP requires sufficient financial, technical and operational support. Effective coordination and the engagement of all actors, including States, international and national partners, and donors, are essential for further development and implementation of the SPCP.

### E. Further Information

The SPCP project methodology as well as the content and results of UNHCR country projects are available at <http://www.unhcr.org/pages/4a27cdf6.html>.

**Annex 7** – UNHCR, *Protection Gaps Framework for Analysis: Strengthening Protection Capacity Project (SPCP)*, Second Edition, 2008

## 8.3. Developing regional and/or bilateral protection strategies

Inter-State burden sharing and cooperation are essential in order to effectively address secondary movements. Assisting countries of first asylum to establish meaningful protection capacities is an important component of that cooperation. A comprehensive bilateral and/or regional protection strategy also includes the following: development of harmonized protection standards in accordance with international law; a clear and fair distribution of responsibilities for examining asylum requests and granting asylum among States affected by certain secondary movements; as well as the re-admission and return of secondary movers to first countries of asylum where they have access to protection.

### THE COMMON EUROPEAN ASYLUM SYSTEM

#### A. Background and Rationale

The EU currently has 27 Member States. In view of the number of persons seeking international protection and the abolition of most internal borders between EU Member States, the EU aims to develop and implement a Common European Asylum System (CEAS). This involves harmonizing asylum laws and policies and agreeing on the allocation of responsibilities for examining asylum requests between States. The Dublin II Regulation<sup>2</sup> is one of the mechanisms adopted for determining which EU Member State is responsible for examining an asylum request.

#### B. Actors

- EU Member States; as well as
- Norway, Iceland and Switzerland (for the Dublin II system).

#### C. Actions

- Minimum standards have been adopted for temporary protection in situations of mass influx, reception conditions for asylum-seekers, asylum procedures, criteria for granting refugee status and subsidiary protection, and the treatment of persons who have been granted international protection.
- All EU Member States are to ensure that their national laws conform to the EU minimum standards.
- A specific fund was created to support good practice in the field of refugee protection in EU Member States and to implement the agreed standards.

According to the Dublin II Regulation, an asylum-seeker must generally lodge an asylum application in the first country participating in the Dublin II system in which s/he arrives. An asylum-seeker may be returned to another State participating in the Dublin II Regulation if it can be shown that the person transited (by air, sea or land) through that State or made an application for asylum in that State. The Dublin II Regulation includes the safeguards indicated below.

- **Obligation to examine:** According to Article 3 (1), the State identified as responsible shall examine the asylum application.
- **Sovereignty clause:** The Dublin II Regulation allows participating States to assume responsibility for an application lodged on their territory, regardless of the criteria set out in Article 3(2). This discretionary provision can be used to avoid transfers that would not be in the interests of the asylum applicant.

<sup>2</sup> Council Regulation (EC) No. 343/2003 of 18 February establishes the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in a Member State by a third-country national. For further information, see: <http://www.unhcr.org/refworld/docid/3e5cf1c24.html>.

- Humanitarian clause: The Dublin II Regulation also allows States participating in the Dublin system to assume responsibility, on humanitarian grounds, for an asylum application lodged outside their territory, regardless of the criteria set out in Article 20.
- Family Unity: The Dublin II Regulation contains several provisions to ensure family unity (Articles 6-8).
- Procedures: The Dublin II Regulation establishes detailed procedures and timelines for determining responsibility and transferring asylum-seekers to the responsible State, and sets out penalties for not meeting the deadlines (Articles 16-20).

#### D. Review

The instruments of the CEAS have advanced international refugee law in some important ways and also have helped to improve protection standards in various EU Member States. Protection practices, nevertheless, differ significantly between EU Member States. The EU is working to reduce these discrepancies through practical cooperation among Member States and by clarifying and improving legislative norms. This is particularly important because the Dublin II Regulation is based on the premise that asylum applicants have the same opportunity to receive protection in all participating States.

Implementation of the Dublin II Regulation remains challenging, especially for participating States that are experiencing capacity issues with their asylum systems. If procedural guarantees and appropriate reception conditions are not in place in the country to which asylum-seekers are returned, this may result in violations of international law, including the principle of *non-refoulement*.

#### E. Further Information

**Annex 8** – Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

**Annex 9** – UNHCR, *The Dublin II Regulation, a UNHCR discussion paper*, 2006

See also UNHCR's Comments on European Union law and policy, available at: <http://www.unhcr.org/pages/4a0d667c6.html>.

## CENTRAL EUROPE: REGIONAL PROTECTION SUPPORT PROJECT BETWEEN BELARUS, MOLDOVA AND UKRAINE 2009 – 2010

### A. Background and Rationale

The Regional Protection Support Project ("the Project"), which is funded by the EU, covers three countries along the Eastern Border of Europe, namely: Belarus, Moldova and Ukraine. The Project seeks to ensure that these countries remain open to persons in need of international protection and that RSD procedures are fair and effective.

## **B. Actors**

- Participating countries (i.e. Belarus, Moldova and Ukraine);
- European Council for Refugees and Exiles (ECRE);
- State Border Guard Services and Ministries of Interior in the three participating countries;
- IOM;
- NGOs, civil society and refugee communities; and
- UNHCR.

## **C. Actions**

- A Regional Steering Committee was established to coordinate and monitor implementation of the Project, as well as to facilitate coordination between the National Steering Committees, established at the country level, and other stakeholders in the region.
- The Project involves: collaborating on monitoring asylum-related issues at the border and in detention facilities; ensuring cross-border cooperation (including during implementation of re-admission agreements); facilitating access to national asylum procedures and the transfer of asylum applications from border guards to competent migration authorities; ensuring NGO-government cooperation and access of NGOs to borders and detention facilities; developing screening forms for the identification of asylum-seekers in mixed flows; finding durable solutions for refugees and persons with specific needs; and disseminating information leaflets.
- Inter-agency and bilateral cross-border coordination meetings were conducted on the Ukrainian-Hungarian, Ukrainian-Slovakian and Ukrainian-Romanian borders, focusing on asylum applications and the implementation of re-admission agreements. A regional cross-border coordination meeting was also held in the eastern region of Ukraine to involve border and asylum authorities from Russia.
- Monitoring missions combined with training activities were conducted at border venues; ECRE and UNHCR jointly organized a study tour for over 20 representatives from Border Guard Services, the Ministry of Interior, asylum authorities and NGOs to support initiatives to develop and implement protection-sensitive entry systems.

## **D. Review**

The Project focuses on building strong partnerships and cooperation between all agencies and organizations from Belarus, Moldova and Ukraine, as well as cooperation with neighbouring countries through the exchange of experiences. Bilateral cooperation agreements between NGOs and Border Guard Services also help facilitate cooperation and access of NGOs to borders and detention facilities. Bilateral cooperation agreements between NGOs have been signed to foster their cooperation on refugee protection issues.

The profiling and referral form, developed with the support of UNHCR and IOM, is intended for staff of the Ministry of Interior and State Border Guard Services in order to identify asylum-seekers, trafficked persons, unaccompanied or separated children and other persons of concern in cross-border movements who might be at risk of detention, expulsion or deportation due to their irregular entry or stay.



In Ukraine, the profiling and referral form will be complemented by a handbook/brochure to serve as a reference guide for staff of the Ministry of Interior and State Border Guard Services. A MOU was concluded between the Belarusian State Border Committee, the Belarusian Ministry of Internal Affairs, two Belarusian NGOs, IOM and UNHCR to ensure effective cooperation of the project activities. In Moldova, internal instructions governing the transfer of asylum-seekers from the State border to the central refugee authority have been developed for Border Guard Services and a Practical Guide on asylum legislation and referral of asylum-seekers from the State border to the central refugee authority has been published in Romanian by UNHCR-Moldova in close cooperation with relevant State authorities.

### **E. Further Information**

Available at: [http://unhcr.org.ua/main.php?article\\_id=172&view=full](http://unhcr.org.ua/main.php?article_id=172&view=full).

## **RE-ADMISSION OF ERITREAN REFUGEES RETURNED FROM EGYPT TO ETHIOPIA 2008 – PRESENT**

### **A. Background and Rationale**

In search of a better life, Eritreans, including asylum-seekers and refugees in Ethiopia, move on towards Sudan and/or Yemen, using the same routes as migrants heading to the Middle East and to Europe. A re-admission agreement between the Governments of Ethiopia and Egypt facilitates the return of Eritrean asylum-seekers and refugees to Ethiopia.

### **B. Actors**

- Government of Ethiopia (ARRA)-Ethiopian Administration for Refugee/Returnee Affairs;
- Government of Egypt;
- IOM; and
- UNHCR.

### **C. Actions**

- As at August 2010, ARRA had registered and documented 1,539 Eritreans who were returned by the Egyptian authorities.
- ARRA undertakes RSD (whereby Eritreans are granted refugee status on a prima facie basis) and refers returnees to the refugee camps. Persons with specific needs receive special assistance in accordance with their needs and may be admitted to the urban assistance programme.
- UNHCR has full access to the returnees, can monitor their conditions and (re)instate assistance and protection in refugee camps in the northern part of the country.
- In 2009, UNHCR reinforced information campaigns on the dangers of secondary movements. (For further information, see Chapter 10.)
- UNHCR, in cooperation with the ARRA, IOM, and other stakeholders, is raising funds for projects to:
  - strengthen sensitization and awareness-raising campaigns, through the increased involvement of returnees willing to share their experiences, in order to curb secondary movements of Eritrean refugees living in refugee camps in Ethiopia;
  - provide psychosocial, trauma counselling support for returnees who have survived violence, trauma and abuses; and
  - strengthen education and training opportunities for refugees.

#### **D. Review**

To date, none of the returnees have reported problems with the Ethiopian authorities when re-establishing themselves in Ethiopia. The Ethiopian Government provides UNHCR with regular information on the arrival of returnees. The ARRA screens, registers and documents returnees; while UNHCR monitors these activities. It has been difficult, however, for UNHCR to find adequate capacity and resources to assist returnees, especially women, who have suffered sexual and gender-based violence (SGBV) or other forms of violence during their journey. Furthermore, many returned Eritreans choose not to go to the refugee camp and are considered by the ARRA as residing "illegally" in the urban areas of Ethiopia.

### **8.4. Supporting and monitoring re-admission of secondary movers to their first country of asylum**

Return and re-admission of asylum-seekers and refugees to their first country of asylum can raise a number of protection concerns, especially if the re-admission agreements concluded between destination countries and countries of first asylum do not contain adequate protection safeguards. The re-admission and return of asylum-seekers to "safe third countries" can be particularly problematic if the asylum systems of these countries are not yet fully functioning. Cross-border monitoring and cooperation can help to identify such concerns, assist States in addressing them, and ensure that asylum-seekers are properly referred to the asylum procedure and, if recognized as refugees, granted international protection.

#### **CENTRAL EUROPE: CROSS-BORDER COOPERATION AND MONITORING AMONG HUMANITARIAN ACTORS 2005 – 2008**

##### **A. Background and Rationale**

In 2005, the European Council on Refugees and Exiles (ECRE) and UNHCR supported NGOs to develop a mechanism for monitoring re-admission practices along the border of Ukraine and its neighbouring EU Member States. NGOs were concerned that asylum-seekers had not been given access to the territory and/or the asylum procedure in those neighbouring countries.

Cross-border meetings were held, and a monitoring form was prepared for use during monitoring exercises. The aim was to identify individuals who had attempted to seek asylum before being returned to Ukraine and to assist UNHCR, ECRE and NGOs in advocating with the Ukrainian authorities for their protection. In view of the planned implementation of the EU-Ukraine re-admission agreement and the existence of bilateral re-admission agreements between the EU and neighbouring States, UNHCR, ECRE and NGOs met again in 2008 to discuss both the protection challenges arising in the context of return and re-admission of third-country nationals to States bordering the EU, and how they could be better addressed through enhanced cross-border cooperation.

##### **B. Actors**

- ECRE;
- non-governmental partners in Belarus, Hungary, Moldova, Poland, Romania, Slovakia and Ukraine; and
- UNHCR.

### **C. Actions**

- enhanced cross-border networking to improve monitoring of re-admission and return, to ensure access to protection in individual cases and to acquire general information about the return and re-admission process;
- adopted an information-sharing protocol, which provides guidance on the type/format/modalities of information sharing related to border monitoring; and
- agreed on how best to revise and improve use of a “re-admission interview form” for collecting and exchanging information and intervening in individual cases.

### **D. Review**

This project helped to raise awareness among NGO partners about the protection situation on both sides of the EU border. It also facilitated an exchange of information through formalized procedures and improved protection intervention strategies in individual cases. Both sides now have access to more information to facilitate their work with the border authorities, and developments and trends on re-admission are easier to monitor and report.

### **E. Further Information**

**Annex 10** – UNHCR, Readmission Interview Form

## **Establishment of an Independent Observatory Mechanism to Monitor Re-admission to Ukraine and Moldova**

The establishment of an Independent Observatory Mechanism to Monitor Re-admission to Ukraine and Moldova is part of a two-year project initiated by IOM in April 2009.

The project aims to support and monitor the re-admission process in Moldova and Ukraine. The project also aims to ensure that the principle of *non-refoulement* is respected in the re-admission process and that asylum-seekers are identified and receive initial legal advice and counselling.

The independent observatory mechanism includes a joint IOM-UNHCR-NGO-EU monitoring team. The project also includes monitoring in some border guard facilities along the border of western Ukraine, at the airport in Kiev, and at two migrant detention centres in Ukraine and one in Moldova.



## Selected References

### Legal and Policy Documents

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UNHCR, *Summary Conclusions on the Concept of “Effective Protection” in the Context of Secondary Movements of Refugees and Asylum-seekers* (Lisbon Expert Roundtable, 9-10 December 2002), 2003, available at:

<http://www.unhcr.org/3e5f323d7.html>

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