



CHECKLIST

For safe and dignified return and sustainable reintegration

December 2021

BACKGROUND

On 23 May 2018, the UN Secretary-General established a UN Network on Migration (Network), as a successor to the Global Migration Group, to ensure effective, coordinated, UN system-wide support to the implementation of the Global Compact on Safe, Orderly and Regular Migration (GCM). In all its actions the Network seeks to uphold the vision and guiding principles of the GCM and is guided by, inter alia, the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, international human rights, humanitarian, labour and other international law, as well as the 2030 Agenda for Sustainable Development.

The Network is comprised of 38 UN system entities, with IOM serving as its Coordinator and secretariat, and a nine-member Executive Committee (DESA, ILO, IOM, OHCHR, UNICEF, UNDP, UNHCR, UNODC and WHO) providing overall guidance and leadership to the Network, including by setting the Network's strategic priorities and adopting an annual workplan. The Network's first annual workplan identified a number of workstreams to support the operational rollout of the GCM and associated Working Groups have been established to develop relevant tools and guidance and to facilitate coordinated action at the regional and country levels.

The Working Group on Return and Reintegration is one of six thematic working groups established under the Network's inaugural workplan. The Working Group seeks to support the implementation of a number of GCM objectives, including Objective 21: "Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration", by ensuring that any return of migrants is safe and dignified and that reintegration into their home countries is sustainable.

The Working Group is co-led by IOM, OHCHR and UNICEF, and is comprised of representatives of UN system entities, civil society organizations, academics, national human rights institutions and other stakeholders with technical expertise from all regions of the world. The drafting of this Tool has benefitted from their broad and diverse experience.

FOREWORD

Mindful of the key challenges faced by migrants, States, civil society and other stakeholders with regard to return and reintegration, during 2020, the Working Group on Return and Reintegration led the development of a UN Network *Position Paper on Ensuring Safe and Dignified Return and Sustainable Reintegration* and conducted a *Mapping of gaps and promising practices for safe and dignified return and sustainable reintegration*. This Checklist builds on these two previous documents to support practical implementation of GCM-derived commitments related to return and reintegration.

While distinct products, the *Position Paper*, the *Mapping* and this *Checklist* are meant to provide a 'package' to assist States and other stakeholders to operationalize GCM objectives related to return, readmission and reintegration, by: clearly stating a number of key principles, and the common position of the United Nations system on ensuring safe and dignified return and sustainable reintegration; helping identify critical gaps in current return and reintegration practices from around the world and suggesting a number of positive practices, aligned with the GCM, that States can build on to address these gaps in their own unique contexts; and providing a practical checklist that can be used by States and other relevant stakeholders to assess whether returns are safe and dignified and reintegration sustainable.

This *Checklist* integrates the GCM's cross-cutting and interdependent guiding principles and outlines various practices and policy initiatives in line with international legal obligations against which States and other stakeholders can assess their return and reintegration practices and policies. It also outlines specific sections on ensuring that all return and reintegration measures are child-sensitive and gender-responsive. The *Checklist* builds on international law and provides a practical tool based on States' positive practices and drawing on the experience of the Network and of Working Group members. It is intended to be a practical resource to be used by Governments and other stakeholders in assessing current practices and policies, and also guiding design, implementation, and monitoring of processes and procedures related to return and reintegration, in order to assist them in putting the GCM into practice.

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1. Introduction & definitions

1.1 Introduction

The Global Compact for Safe, Orderly and Regular Migration (GCM), adopted in 2018, presents a cooperative framework addressing migration in all its dimensions, recognizing that a comprehensive approach is needed to optimize the overall benefits of migration, while addressing risks and challenges for individuals and communities in countries of origin, transit and destination.¹ The GCM is based on a set of cross-cutting and interdependent guiding principles², and is comprised of 23 Objectives for implementation, as well as a process for follow-up and review. Each GCM Objective contains a commitment, followed by a range of actions considered to be relevant policy instruments and promising practices to fulfil the Objective.

As the GCM acknowledges, safe, orderly and regular migration works for all when it takes place in a well-informed, planned and consensual manner, while upholding the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle. Within the GCM's 360-degree vision, safe and dignified return and sustainable reintegration form part of a comprehensive and holistic approach to migration governance. In the GCM, States have reaffirmed their commitment to facilitate safe and dignified return in accordance with obligations under international human rights law, and to create conducive conditions for sustainable reintegration of migrants in their country of origin.³ They have further committed to ensure that their nationals are duly received and readmitted, in full respect for the human right to return to one's own country and the obligation of States to readmit their own nationals. In State-to-State relations, readmission agreements may be signed to facilitate the re-entry of migrants, typically in the context of forced return. This should be distinguished from the right to return to one's own country, which is an individual human right.⁴

The Working Group on Return and Reintegration has been created as part of the UN Network's inaugural workplan to support implementation of GCM objectives related to the safe and dignified return and sustainable reintegration of migrants. In particular, GCM Objective 21 is a commitment by States to:

Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration: We commit to facilitate and cooperate for safe and dignified return and to guarantee due process, individual assessment and effective remedy, by upholding the prohibition of collective expulsion and of returning migrants when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm, in accordance with our obligations under international human rights law. We further commit to ensure that our nationals are duly received and readmitted, in full respect for the human right to return to one's own country and the obligation of States to readmit their own nationals. We also commit to create conducive conditions for personal safety, economic empowerment, inclusion and social cohesion in communities, in order to ensure that reintegration of migrants upon return to their countries of origin is sustainable.

¹ Resolution adopted by the General Assembly on 19 December 2018, 'Global Compact for Safe, Orderly and Regular Migration', A/RES/73/195, available at <https://undocs.org/A/RES/73/195>.

² A/RES/73/195, para 15.

³ A/RES/73/195, para 15.

⁴ See, e.g. UDHR, Art. 13(2).

This *Checklist*, developed by the United Nations Network on Migration's Working Group on Return and Reintegration, serves to support Member States and other stakeholders to assess their return and reintegration policies and practice, with the aim of facilitating implementation of relevant commitments contained in GCM Objective 21 and other GCM Objectives relevant to safe and dignified return and sustainable reintegration. It provides a practical checklist of actions States should take to fulfil their GCM commitments, consistent with the GCM vision and guiding principles, as well as relevant international law and standards.

1.2 Definitions

Return

There is no universally accepted legal definition of **return**. For the purposes of this resource, "return" can be understood as:

"an umbrella term to refer to the various forms, methods and processes by which migrants return or are compelled to return to their country of origin or habitual residence, or to a third country. This includes, inter alia, independent departure, assisted return, deportation, expulsion, removal, extradition, pushback, handover, transfer or any other return arrangement. The use of the term 'return' provides no determination as to the degree of voluntariness or compulsion in the decision to return, nor of the lawfulness or arbitrariness of the return." (See A/HRC/37/34/Add. 1)

While broad, this definition is of limited scope and is not intended to include the repatriation of refugees, which is typically a distinct process, both practically and legally.

Sustainable Reintegration

There is no universally accepted legal definition of **sustainable reintegration**. For the purposes of this resource, "sustainable reintegration" can be understood as:

A process which enables individuals to secure and sustain over time the political, economic, social and psychosocial conditions needed to maintain life, livelihood and dignity in full enjoyment of their civil, political, economic, social and cultural rights. This should include targeted measures that ensure returning migrants access to justice, social protection, financial services, health-care, education, family life, an adequate standard of living, decent work, and protection against discrimination, stigma, arbitrary detention and all forms of violence and that allows returnees to consider that they are in an environment of personal safety, economic empowerment, inclusion and social cohesion upon return.

2. How to use this tool

2.1 Purpose

The *Checklist* supports GCM implementation by presenting a range of actions against which States and other stakeholders can assess whether their return and reintegration activities are consistent with the GCM and that they are informed by best practice. In so doing, the *Checklist* highlights specific legal obligations to be as well as relevant GCM guiding principles, Objectives and is intended to be a practical resource, based on States' positive practices and drawing on the experience of the Network and Working Group members, across the stages of (i) Pre-Return, (ii) Return and (iii) Post-return and Reintegration.

The *Checklist* should be read alongside the *Mapping* and is complementary in purpose and approach. Whereas the *Mapping* presents key gaps and challenges, as well as promising practices, with regard to current return and reintegration practices, **this *Checklist* focuses on the response needed to close those gaps, and with that, provides a targeted checklist of actions to be taken in order to fulfil GCM commitments related to safe and dignified return and sustainable reintegration.**

The checklist (Section 5) is designed so that users can refer to actions to be taken into account during return, readmission and reintegration and across different country contexts, including countries of origin, transit and destination.

The *Checklist* is not intended to be used as a monitoring and evaluation framework, or to grade countries on their current return and reintegration activities, though it may be useful in helping to better understand areas where current return and reintegration procedures or programming could be strengthened.

2.2. Scope & design

This *Checklist* is comprised of five sections which, in addition to the Introduction, includes an overview of the return and reintegration cycle, key legal frameworks to be respected, an introduction to the GCM's guiding principles, and a practical checklist to be used by Governments and other stakeholders to assess their return, readmission and reintegration practices and policies, and support them in designing, implementing, or monitoring processes and procedures related to safe and dignified return and sustainable reintegration. While this document does not deal with readmission in depth, some references to readmission are made in the Checklist.⁵

Consistent with the GCM's 360-degree vision and guiding principles, including the whole-of-government and whole-of-society approaches, the checklist is intended to be used in an inclusive, coordinated and comprehensive manner by a wide variety of relevant State authorities and stakeholders in countries of origin, transit, and destination.

⁵ As acknowledged in GCM objective 21, readmission, in full respect for human rights, is an important component in the continuum of safe and dignified returns and sustainable reintegration. In future iterations of its workplan, the Network will consider whether focused work on this is required.

Who this tool is for:

- **Governments:** Including policy makers, frontline officials, parliamentarians, local authorities, embassy and consular officials
- **Civil society:** Including non-governmental organisations, researchers, faith-based organisations, migrant associations, and migrants
- **United Nations:** Including UN Agencies, Funds & Programmes, Related Organisations, UN Country Teams and Resident Coordinators.
- **Other stakeholders:** Including National Human Rights Institutions, workers' and employers' organizations, and the media.

The practical checklist (Section 5) is presented as a table and allows the end-user to assess and self-evaluate whether existing or planned laws, policies, and/or procedures relating to pre-return, return, and post-return and reintegration are aligned with the GCM commitments and best practice.

The checklist can be used in a standalone or integrated manner, for example when used as a cross-border tool for collaboration by government officials or stakeholders in different countries or responsible for different aspects of the return and reintegration process.

Each of the three phases of return and reintegration and their associated considerations are presented separately within the checklist. However, it should be noted that there is a continuum between these phases that cannot and should not be ignored. How return decisions are made and implemented have a significant impact on whether reintegration can be sustainable; and the extent to which return is likely to be sustainable can similarly impact on the decision of whether to return.

2.3 Phases of return and reintegration

Both the *Mapping* and this *Checklist* present specific GCM-derived commitments covering the entire cycle of return, readmission and reintegration, across three distinct but interconnected phases along the return and reintegration continuum: (i) Pre-return; (ii) Return; (iii) Post-return and reintegration. For the purposes of this *Checklist*, and in the absence of legal definitions of these phases, this *Checklist* understands the phases as follows:

- (i) **Pre-return** – the period of time from when a migrant is considering return, decides to return or is in the process of returning or being returned from the territory or jurisdiction of the State, including the time necessary to prepare oneself to return voluntarily as well as any relevant legal processes and procedures related to forced return.
- (ii) **Return** – the process of physically departing from a country and arriving in the country of return.
- (iii) **Post-return and reintegration** – the period of time after arrival in the country of return, to include the process of securing and sustaining over time the conditions needed for sustainable reintegration.

While some of the actions presented in the checklist below are relevant throughout the return and reintegration continuum, others relate primarily to one of these phases. Where actions are relevant to more than one phase, this has been noted below. However, it is important to note that all three phases are inter-connected and that the actions taken by States in one phase will impact directly on the likelihood of safe and dignified return, or of sustainable reintegration, in the other phases.

Fig. 1: Phases of return and reintegration

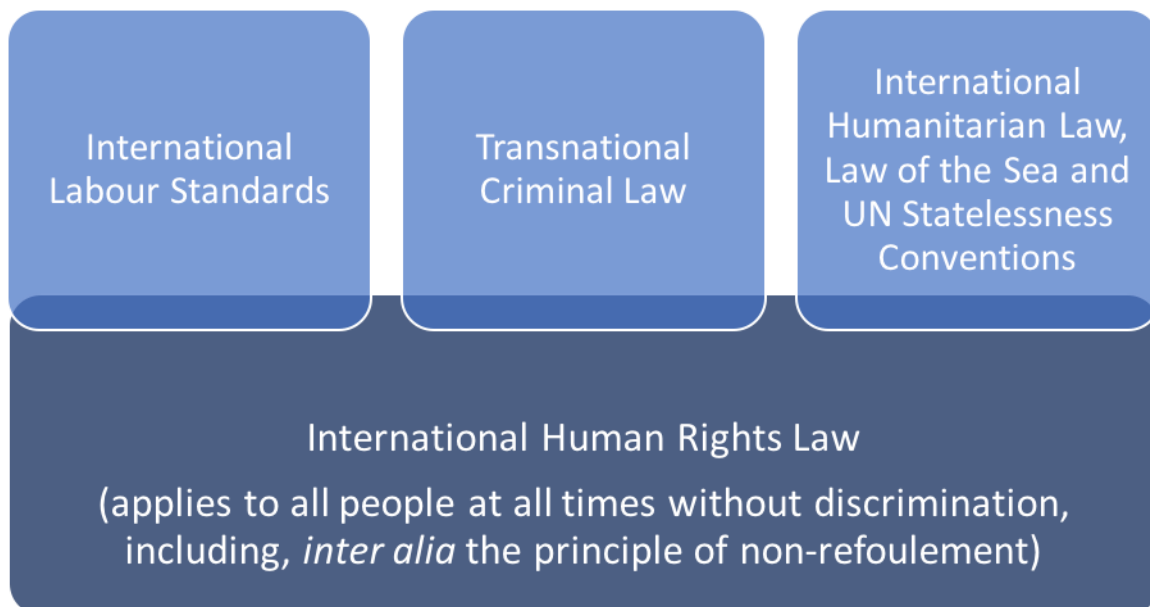


3. International legal frameworks

All phases of the return and reintegration process are governed by international law, including International Human Rights Law, Humanitarian Law, Labour Standards, and Transnational Criminal Law. In particular, the GCM recognizes that respect for international human rights law, the rule of law, due process and access to justice are fundamental to all aspects of migration governance. By implementing the GCM, States have re-committed to ensuring the effective respect, protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle.

A number of human rights obligations, principles and standards are particularly relevant in the context of safe and dignified return and sustainable reintegration and form the basis of GCM commitments included in both the *Mapping* and this *Checklist*. Specific references are made to key international obligations and legal standards within the checklist below.

Fig 2. International legal frameworks governing return and reintegration



Resource box: Key International Instruments Governing the GCM

- [Charter of the United Nations](#)
- [Universal Declaration of Human Rights \(UDHR\)](#)
- [International Covenant on Civil and Political Rights \(ICCPR\)](#)
- [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#)
- [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#)
- [Convention on the Rights of the Child \(CRC\)](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(ICMW\)](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance \(CED\)](#)
- [Convention on the Rights of Persons with Disabilities \(CRPD\)](#)
- [United Nations Convention against Transnational Organized Crime](#), including the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](#) and the [Protocol against the Smuggling of Migrants by Land, Sea and Air](#)
- [Slavery Convention and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#)
- [United Nations Framework Convention on Climate Change](#)
- [United Nations Convention to Combat Desertification](#)
- [International Labour Organization conventions on promoting decent work and labour migration, especially:](#)
 - [Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#)
 - [Migrant Workers \(Supplementary Provisions\) Convention, 1975 \(No. 143\)](#)
 - [Private Employment Agencies Convention, 1997 \(No. 181\)](#)
 - [Domestic Workers Convention, 2011 \(No. 189\)](#)
 - [Violence and Harassment Convention, 2019 \(No. 190\)](#)
 - [Protocol 29 to the Convention on Forced Labour, 2019](#)
- [2030 Agenda for Sustainable Development](#)

4. GCM Guiding Principles

There are a number of GCM **cross-cutting and interdependent guiding principles** that are relevant and need to be considered at all times along the continuum of return and reintegration.

Resource box: GCM Guiding Principles

The GCM rests on a set of cross-cutting and interdependent guiding principles:

- **People-centred:** Recognizing that migrants themselves should be at the core of all laws, policies and practices on international migration, which should promote the well-being of migrants and communities
- **National sovereignty:** States are sovereign to determine their national migration policy and to govern migration within their jurisdiction, in conformity with international law
- **Rule of law and due process:** States are committed to uphold respect for the rule of law, due process and access to justice, which are fundamental to all aspects of migration governance
- **Sustainable development:** Recognizing that migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda for Sustainable Development
- **Human rights:** States are committed to ensure the effective respect, protection and fulfilment of the human rights of all migrants, regardless of their migration status, across all stages of the migration cycle
- **Gender-responsive:** States are committed to promoting gender equality and to respect the human rights of women, men, girls and boys at all stages of migration
- **Child-sensitive:** States are committed to upholding child rights, including the principle of the best interests of the child at all times, as a primary consideration in all situations concerning children
- **Whole-of-government approach:** States should ensure horizontal and vertical policy coherence across all sectors and levels of government
- **Whole-of-society approach:** States should promote broad multi-stakeholder partnerships to address migration in all its dimensions

This *Checklist* focuses in particular on the guiding principles of respecting **human rights**, and being **child-sensitive** and **gender-responsive (see boxes below)**.

These three guiding principles are reflected throughout the checklist through specific actions including adapting laws, regulations, policies and procedures in line with the guiding principles.

Human Rights

National laws, regulations, policies and procedures must respect, protect and fulfil the human rights of all migrants –including all civil, political, economic, social and cultural rights– regardless of migration status, across all stages of migration, in line with international human rights law. This means adopting human rights-compliant return and reintegration policies, and always considering the specific rights and needs of migrants in vulnerable situations.

Child-sensitive

National laws, regulations, policies and procedures relating to return and reintegration must be compliant with the Convention on the Rights of the Child and its guiding principles: i.e. non-discrimination; the best interests of the child; the child’s right to life, survival and development; and the child’s right to be heard.

Gender-responsive

The rights of women, men, girls and boys, and gender minorities must be respected at all stages of return and reintegration, which means adopting return and reintegration laws, regulations, policies and practices that articulate the needs of specific groups, disaggregated by sex, age, migration status and other characteristics relevant in national contexts and the promotion of gender-responsive return and reintegration programmes.

The following is a non-exhaustive list of cross-cutting considerations that are key to ensuring effective operationalisation of the GCM guiding principles across the return and reintegration continuum.

Data collection, use and storage should be conducted in a safe and confidential manner with full respect for **the right to privacy and protection of personal data**. Data should be disaggregated by sex, age, migration status and other relevant characteristics necessary to effectively monitor and address the rights and needs of migrants. The principle of the best interests of the child should always be a primary consideration in the collection and use of the biometric and other personal data of children, which should only be collected and used for child protection purposes, with strict enforcement of appropriate rules on collection, use and retention of, and access to, data.

Independent access and monitoring by national human rights institutions (NHRIs), UN agencies, and other stakeholders is essential for all stages of the return and reintegration process, including pre-return, during return (whether voluntary or forced return), and post-return and reintegration. Ensuring independent access to all places and procedures involving returns and robust monitoring across all stages of return and reintegration is key to ensuring transparency and accountability for possible human rights violations occurring during return and reintegration procedures and can also help to strengthen programme evaluation.

Identifying and addressing migrant vulnerability is a crucial aspect of upholding human rights throughout return and reintegration. Migrants in vulnerable situations are at increased risk of violations and abuse, and are, accordingly, entitled to call on a duty bearer’s

heightened duty of care.⁶ Vulnerability can also change over time, so should be monitored and reassessed at every stage of the return and reintegration process. In order to ensure that returns are safe and dignified and reintegration is sustainable, robust systems need to be in place that not only identify migrant vulnerabilities, but also address them, including by providing access to pathways for regular stay when necessary to uphold international law or when otherwise appropriate or preferable to return. Migrants in vulnerable situations should not be subject to return procedures when there is a risk that this would exacerbate their vulnerabilities and lead to violations of their human rights.

Protection of the right to family life and family unity are critical to all phases of return and reintegration, and among other things requires the adoption of laws, regulations, policies and practices that preserve the family unit and avoid the separation of family members. In the case of children, family separation should not happen at any time during return and reintegration, unless a best interests procedure has determined this to be in a child's best interests and following a judicial determination to this effect. Decisions about return must take into account the person's right to family life, including by facilitating the reunification of families and, where families have become separated, ensuring the restoration of family links and family reunification, in the case of children consistent with the best interests of the child.

The right to liberty, including the prohibition of arbitrary detention, requires States to generally avoid immigration detention, consistent with the principles of necessity and proportionality, and to prioritize non-custodial community-based alternatives to detention that are in line with international law. A human rights-based approach to any detention of migrants means using detention as an exceptional measure of last resort only, refraining from illegal or arbitrary arrest or detention, and **never resorting to immigration detention of children or families**.

Upholding the prohibition of non-refoulement requires States to ensure that migrants are never returned when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm. States are also required to ensure that all returns guarantee due process, individual assessment and effective remedy, including the right to appeal with suspensive effect.

Access to justice and effective remedy are key to upholding migrants' human rights, as well as respecting due process and the rule of law. These rights are unconditional and apply to all migrants, regardless of status, and are independent of their decision to return. They require States to ensure migrants have the ability to seek and receive redress for any harms suffered throughout the return and reintegration process, including by having their claim reviewed and decided by a competent and independent judicial or administrative authority. This means that officials involved in the return and reintegration process are aware of and trained on the rights of migrants to access justice and effective remedy, that migrants are able to pursue and conclude legal claims prior to return, such as outstanding bank account balances or property rights, reclamation of wages and other entitlements owed to them, crimes committed against them, labour rights violations, and parental or child rights that migrants have access to adequate means of subsistence during this time and/or decent work and that, to the greatest extent possible, migrants are not deported while such legal proceedings are ongoing.

Practical application of these guiding principles requires States and other stakeholders to ensure that **staff are trained** to apply the laws, regulations, policies and procedures in line

⁶ See OHCHR/GMG, Principles and Guidelines on the human rights protection of migrants in vulnerable situations, 2018, available at: <https://www.ohchr.org/en/issues/migration/pages/vulnerablesituations.aspx>.

with the guiding principles; and requires that States and other stakeholders commit **adequate financial and human resources** to enable compliance. This includes providing the resources to enable the necessary legal, social and financial support to individual returnees and their families⁷; identifying and addressing the needs of the communities to which migrants return by including respective provisions in national and local development strategies, infrastructure planning, budget allocations and other relevant policy decisions and cooperating with local authorities and relevant stakeholders⁸, and also strengthening international cooperation and global partnerships.⁹

⁷ A/RES/73/195, para. 37(b).

⁸ A/RES/73/195, para. 37(i).

⁹ A/RES/73/195, para 39.

5. Checklist

A. PRE-RETURN	Checklist
A1. Right to privacy and protection of personal dataⁱ	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants' personal data—including any personally identifiable information such as biometric data—is covered by a national data protection policy, which is in line with the right to privacy and the protection of personal data.</i> <input type="checkbox"/> <i>The right to privacy and personal data protection is ensured irrespective of migration status, and mechanisms are in place to ensure that data collection, use, retention and sharing is for a limited duration and strictly limited to the purpose for which it is being collected.</i> <input type="checkbox"/> <i>Migrants' personal data is only accessed by those who are authorized by law to receive, process and use it, and is never used for purposes incompatible with migrants' human rights.ⁱⁱ</i> <input type="checkbox"/> <i>Where migrants are requested to consent to their personal data being collected, used, retained and/or shared, procedures are in place to ensure that migrants (or a legal guardian, where applicable) know and understand the purpose and scope of the consent being requested and that no force or other adverse consequences are threatened or used against them if they do not consent.</i> <input type="checkbox"/> <i>Where migrants give their consent to their personal data being collected, used, retained and/or shared, procedures are in place to ensure that migrants can, at any time, request to access and correct their personal data, history and records, and to withdraw their consent to its use.</i> <input type="checkbox"/> <i>Information shared with third parties, including countries of origin/transit/destination, is only done so on the basis of the above consent and procedures, and any sensitive personal data (e.g. related to past asylum applications) which can put individuals at risk upon return is not shared with the country of origin.</i> <input type="checkbox"/> <i>Any personal data of children is only collected, used, retained and shared in a manner that upholds the best interests of the child, and with clear child safeguarding and protection objectives in mind.</i>
A2. Access to economic, social, cultural and labour rights and related services without discriminationⁱⁱⁱ	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants in a regular status do not lose their regular status due to loss of employment, and are able to access alternative employment, relief work and retraining.</i> <input type="checkbox"/> <i>Migrants, regardless of status, enjoy equality of treatment in respect of rights arising out of past employment as regards remuneration, social security and other benefits.</i> <input type="checkbox"/> <i>Migrants are able to exercise their economic, social and cultural rights (ESCR) regardless of their migration status, prior to return, including health; education; early childhood education and care; an adequate standard of living (food, clothing, housing).^{iv}</i>

	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are provided comprehensive information and legal guidance on their rights and obligations, including on how to access basic services.^v</i> <input type="checkbox"/> <i>Migrants are not required to show proof of nationality or legal identity in order to access basic services.^{vi}</i> <input type="checkbox"/> <i>All migrants, regardless of status, are able to participate in community life and access relevant services, such as through the issuance of registration cards that contain basic personal information, while not constituting entitlements to citizenship or residency.^{vii}</i> <input type="checkbox"/> <i>Migrants' access to ESCR and labour rights and related services is not conditional upon their willingness to return voluntarily or consent to a return decision, and migrants are not deprived of their ESCR and labour rights in order to pressure or coerce them to return.</i> <input type="checkbox"/> <i>"Firewalls" are in place to ensure that migrant's personal data collected and processed when accessing services is protected and not shared with immigration authorities or otherwise processed for immigration control purposes, or putting migrants at risk of arrest or deportation.^{viii}</i> <input type="checkbox"/> <i>Migrant children are included in national and local systems and services (including healthcare, education, child & social protection) regardless of status, including children subject to a return decision.</i>
<p>A3. Access to accurate and timely information^x</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants have access to child-sensitive and gender-responsive support and counselling, including information on their human rights and fundamental freedoms, appropriate protection and assistance, options and pathways for regular migration and stay, and possibilities for return, States will make their best effort to ensure that such information is provided in a language and format they understand.^x</i> <input type="checkbox"/> <i>Information related to human rights, decent work and livelihoods opportunities and related considerations, both in the country of destination and country of origin, are available and easily accessible to help inform decisions on return.</i> <input type="checkbox"/> <i>In the context of mixed movements, relevant information on rights and obligations under national laws and procedures, including on entry and stay requirements, available forms of protection, as well as options for return and reintegration, is appropriately, timely and effectively communicated, and accessible.^{xi}</i>
<p>A4. Access to legal assistance^{xii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>All migrants, regardless of status, have access to public or affordable independent legal assistance and representation in all legal proceedings that affect them.^{xiii}</i> <input type="checkbox"/> <i>All migrants, regardless of status, are able to present claims to a competent body either directly or through a representative regarding rights arising out of past employment as regards remuneration, social security and other benefits.</i>

	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants opting for voluntary return are provided comprehensive information and legal guidance on their rights and obligations.^{xiv}</i> <input type="checkbox"/> <i>Free legal assistance and representation is available to all migrants in forced return procedures when they cannot afford it.</i>
<p>A5. Access to consular assistance and protection^{xv}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>All migrants have the right to access their national consular entities and to request consular services under national law.</i> <input type="checkbox"/> <i>Migrants have the opportunity to register with the consular authorities of their country of origin, and to access information, services and assistance. Migrants are not required to disclose the purpose of requesting to access consular services and have the right to decline access to consular services in accordance with their rights to privacy and protection of personal data.^{xvi}</i> <input type="checkbox"/> <i>Migrants are able to access advice from their consular authorities, including on local laws and customs, interaction with authorities, financial inclusion, and business establishment.^{xvii}</i> <input type="checkbox"/> <i>Migrants are able to access consular services and assistance, including the issuance of relevant documentation, such as travel documents, and consular identity documents that may facilitate access to services, assistance in emergency situations, the opening of a bank account, access to remittance facilities, and help ensure predictability, safety and dignity in return and readmission.^{xviii}</i> <input type="checkbox"/> <i>Cross-border cooperation frameworks, including consular protection policies and services, are in place and implemented in practice to ensure robust procedures for the protection of migrant children to ensure the best interests of the child are appropriately integrated, consistently interpreted and applied in coordination and cooperation with child protection authorities.^{xix}</i> <input type="checkbox"/> <i>In order to identify, protect and assist nationals abroad who are in a situation of vulnerability, including victims of human and labour rights violations or abuse, victims of crime, victims of trafficking in persons, aggravated smuggling, or migrant workers and members of their families exploited in the process of recruitment, consular officers are provided training on human rights-based, gender-responsive and child-sensitive approaches.^{xx}</i>
<p>A6. Upholding the prohibitions of refoulement and collective expulsion^{xxi}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returns that violate the principle of non-refoulement are prohibited under national law and never take place in practice.</i> <input type="checkbox"/> <i>To uphold the principle of non-refoulement, migrants are never returned when there is a real and foreseeable risk of death, torture, and other cruel, inhuman, and degrading treatment or punishment, or other irreparable harm.</i> <input type="checkbox"/> <i>Child- and gender-specific human rights violations are fully taken into account when considering grounds of</i>

	<p><i>non-refoulement under international law.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Arbitrary or collective expulsions are prohibited under national law and do not take place in practice.</i> <input type="checkbox"/> <i>To uphold the prohibition of collective expulsion, prior to any enforced return decision migrants have access to an individual assessment of their unique circumstances and protection needs, in a manner that is gender-responsive and child-sensitive.</i> <input type="checkbox"/> <i>Individual assessments necessary to uphold the prohibition of collective expulsion take into account human rights protection risks, including those necessary to respect the principle of non-refoulement.</i>
<p>A7. Ensuring due process and procedural guarantees^{xxii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>All forced return decisions are strictly legal and based on an impartial decision by a competent authority in accordance with the law.</i> <input type="checkbox"/> <i>Migrants receive effective notice of forced return decisions and removal orders and of the grounds on which these are based, in a language and format they can understand.</i> <input type="checkbox"/> <i>Migrants have a right to access interpreters and translators in all return procedures.</i> <input type="checkbox"/> <i>Migrants have access to fair trial guarantees in forced return procedures.</i> <input type="checkbox"/> <i>Migrants who do not have the legal right to remain are allowed to exhaust all applicable legal remedies prior to return.^{xxiii}</i> <input type="checkbox"/> <i>Migrants who have received a removal order have a right to appeal, with suspensive effect, the decision before an independent and impartial body.^{xxiv}</i>
<p>A8. Access to justice and effective remedy prior to return^{xxv}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>All migrants are informed, in a language and format accessible to them, of their right to report human rights violations during return and reintegration processes, and that they can file complaints at any time during the return and reintegration process to ensure access to justice and effective remedy.^{xxvi}</i> <input type="checkbox"/> <i>Migrants are able to pursue and conclude legal claims prior to return, such as outstanding bank account balances or property rights, reclamation of wages and other entitlements owed to them, crimes committed against them, labour rights violations, and parental or child rights.</i> <input type="checkbox"/> <i>To the greatest extent possible migrants are not deported and are provided with adequate means of subsistence and/or access to decent work while such legal proceedings are ongoing.</i> <input type="checkbox"/> <i>Migrant's personal data collected and processed when reporting a crime or abuse is protected and not shared with immigration authorities or otherwise processed for immigration control purposes.</i>
<p>A.9 Operationalising children's best interests^{xxvii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Children are only returned when it has been determined to be a comprehensive, secure and sustainable solution</i>

that upholds the best interests of the child.^{xxviii} Considerations such as those relating to general migration control do not override best-interests considerations.^{xxix}

- Children are never returned to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child including, for example, the risk of particularly serious consequences of the insufficient provision of food or health services.^{xxx}*
- There is a mandated national child protection authority / system responsible for all children that treats migrant children in an equal manner to national children. This should include the provision of adequate community- and family-based alternative care to unaccompanied and separated children without discrimination.*
- A formal, multi-disciplinary, individual, documented best interests procedure (BIP) is carried out in each child's case – whether unaccompanied or separated or in a family unit – with the central involvement of child protection officials, and aiming to identify a sustainable solution that protects the long-term best interests and welfare of the child by considering all options.*
- BIPs are carried out by independent and impartial decision-makers who have access to all of the relevant information (on the child, family and context) and led, co-led, or guided by well-trained child protection authorities within child protection systems.^{xxxi}*
- The views and opinions of the child are heard and taken into account throughout the process of determining his/her best interests, including for children in families.*
- If doubt is raised about a child's age, age-disputed individuals are given the benefit of the doubt and treated as a child unless this would be clearly unreasonable. If an age assessment is carried out, the process is child rights-compliant.*
- Specific protection measures are in place for unaccompanied and separated children, including appointment of a competent and independent guardian to accompany children throughout the return process.*
- If determined that it is in the best interests of the child to be returned, an individual plan is prepared, together with the child where possible, for their sustainable reintegration, including immediate protection measures and long-term solutions, in particular effective access to education, health, psychosocial support, family life, social inclusion, access to justice and protection from all forms of violence.^{xxxii}*
- Law enforcement and immigration officials are trained in the rights of the child and child-sensitive procedures, such as those that prevent family separation and reunite families when family separation occurs; child-sensitive interviewing; and screening for child protection issues.*

<p>A10. Protection of the right to family life and unity^{xxxiii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>The right to family life and unity is respected within all reception/care arrangements, including non-separation of parents from children, and non-separation of siblings.</i> <input type="checkbox"/> <i>National laws and policies are in place to safeguard against and prevent family separation in the context of return procedures.</i> <input type="checkbox"/> <i>The right to private and family life is taken into consideration before any return decision is issued. Due consideration is given to the caring responsibilities of parents for children, and of adult children for elderly or sick parents, and BIP to assess whether return is in the best interests of any child.</i> <input type="checkbox"/> <i>Where return involves a family unit, the rights to family life and family unity prevail over other administrative immigration aims, and family members are not separated pre-return, unless in the case of children it has been found to be in the child's best interests.</i> <input type="checkbox"/> <i>Before there is any consideration of separation of a child from (part of their) family members, policies are in place requiring a determination that this is in the best interests of the child – conducted by competent authorities and subject to judicial review. The decision to separate is recorded, documented and justified. In cases involving abuse of a child by their parent(s), and before any return procedure can continue, national child protection authorities are involved.</i> <input type="checkbox"/> <i>Where families have been separated, measures are in place to ensure the prompt restoration of family links, in the case of children where this has been found to be in the child's best interests.</i> <input type="checkbox"/> <i>A BIP is conducted before family tracing is considered, to ensure that it is in a child's best interests.</i> <input type="checkbox"/> <i>Procedures are in place to assess the care and custodial arrangements that would be in place upon return for unaccompanied and separated children, including family assessment</i> <input type="checkbox"/> <i>Sufficient time and access to legal advice are made available to migrants with family members present in the country from which they are about to be returned, so that they are able to make custody arrangements, property transfers, seek and obtain payment of salaries, resolve claims to social protection, and other necessary preparations to protect family members.</i>
<p>A11. Access to regular pathways for admission and stay prior to return^{xxxiv}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are informed of, and have access to, a range of alternative options to return so that they have greater agency in choosing to return home safely and voluntarily, and to better prepare themselves for sustainable reintegration.^{xxxv}</i> <input type="checkbox"/> <i>All alternative options to return are fully considered before the issuance of a return decision, including pathways for admission and stay based on labour and decent work, educational opportunities, upholding the right to family life, and responding to the needs of migrants in vulnerable situations.^{xxxvi}</i>

	<ul style="list-style-type: none"> □ <i>Specific attention is given to ensure regular pathways for admission and stay are available for migrants in situations of vulnerability, including children; victims of trafficking in persons; survivors of torture, abuse and exploitation; migrants compelled to leave their countries of origin, due to sudden-onset natural disasters, slow-onset natural disasters, the adverse effects of climate change, and environmental degradation or other precarious situations where adaptation in or return to their country of origin is not possible; and migrants unable to return to their countries of origin for reasons related to upholding the principle of non-refoulement under international human rights law.^{xxxvii}</i>
<p>A12. Avoiding arbitrary and unlawful immigration detention^{xxxviii}</p>	<ul style="list-style-type: none"> □ <i>The grounds for immigration detention are clearly established in law and decisions regarding the use of detention are only taken by competent authorities, in accordance with the law.</i> □ <i>Offences related to irregular entry and stay are not criminalized in national legislation,^{xxxix} and migrants are not subject to criminal prosecution for having been the object of smuggling or trafficking in persons^{xl}</i> □ <i>Immigration detention is only used as an exceptional measure of last resort, satisfying the principles of necessity and proportionality, including consideration of less invasive, alternative measures, in full compliance with due process and procedural safeguards.</i> □ <i>Non-custodial, community-based alternatives to immigration detention are available, accessible and utilised, and respect migrants' rights, including, amongst others, to freedom of movement, to family life and family unity.</i> □ <i>Immigration detention of children and families with children is prohibited in national law.</i> □ <i>Immigration detention of children and families with children is not practiced.</i> □ <i>When exceptionally justified as a matter of last resort, and respecting the national law, conditions of detention are non-punitive and immigration detention does not take place in criminal facilities or involve the co-mingling of immigration detainees with criminal detainees.</i>
<p>A13. Voluntary returns^{xli}</p>	<ul style="list-style-type: none"> □ <i>Where States are able to carry out forced return, consistent with international law obligations, policies and practices are in place which give preference to opportunities for voluntary return over forced return.^{xlii}</i> □ <i>Where voluntary returns take place, migrants are not physically or psychologically coerced, intimidated or manipulated into returning. States must not use real or implied threats of action that could amount to violations of international law including, among others, torture and ill-treatment, arbitrary detention, family separation, the lack of access to asylum or other protection under international law, or the deprivation of food, housing health care or other access to services to motivate voluntary returns.^{xliii}</i> □ <i>National actors are adequately trained to support voluntary returns, including on ensuring voluntary returns effectively take place on the basis of migrants' free, prior and informed consent to any voluntary return</i>

	<p><i>process.</i>^{xliv}</p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are provided timely, unbiased and reliable information, communicated in a language and format that is accessible and understood to them about the decision to return voluntarily.</i>^{xlv} <input type="checkbox"/> <i>Migrants have sufficient time to consider other available options and to ready themselves for the voluntary return, including collecting essential paperwork (e.g. birth certificates, school and financial records), recouping wages or monies owed, terminating housing or other relevant contractual agreements, and readying themselves for the departure.</i>^{xlvi} <input type="checkbox"/> <i>Documentation is available outlining the migrant’s consent to return, in a language and format they understand. Migrants are able to withhold or reconsider their consent to voluntary return if the proposed activities, circumstances, or available information change.</i>^{xlvii} <input type="checkbox"/> <i>Children and families opting to return voluntarily are allowed to leave at a time and in a manner in accordance with the best interests of the child.</i>^{xlviii} <input type="checkbox"/> <i>Migrants have the right to decide not to return voluntarily at any point.</i> <input type="checkbox"/> <i>Migrants who return voluntarily should not receive deportation stamps, re-entry bans or other forms of punishment or sanction.</i>
<p>A14. Pre-return monitoring^{xlix}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Independent mechanisms are in place to monitor migrants’ access to rights prior to return, with full operational and financial independence. This monitoring should include all civil, political, economic, social and cultural rights of migrants, including alleged violations of the principle of non-refoulement and the prohibition of collective expulsions.</i> <input type="checkbox"/> <i>Accountability mechanisms are available to migrants and other stakeholders to report violations and abuses confidentially.</i> <input type="checkbox"/> <i>Accurate and disaggregated data by sex, age, migration status and other characteristics relevant in national contexts is collected, in full respect of migrants’ rights to privacy and personal data protection, and made publicly-available in order to guide coherent and evidence-based policy-making and to allow for effective monitoring and evaluation over time.^l</i>

B. RETURN	Checklist
B1. Ensuring that physical departure from the country is safe and dignified	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returning individuals are informed of their rights and of the fact that independent monitoring is in place and that they can formulate complaints.</i> <input type="checkbox"/> <i>Officials carrying out or assisting returns represent a competent authority and have been adequately trained, including on human rights, child-sensitive, and gender-responsive approaches.</i> <input type="checkbox"/> <i>Migrants' rights are protected and basic needs are provided for during the journey, including adequate transportation, food, water and clothing. Cash assistance to migrants is considered to help in providing for their basic rights and needs.</i> <input type="checkbox"/> <i>Migrants are not returned to remote border areas or so-called "no man's land" between international borders.ⁱⁱ</i> <input type="checkbox"/> <i>The use of force and/or restraints is avoided and use of force violations, including violence and medically unjustified measures or treatments to facilitate returns is prohibited.</i> <input type="checkbox"/> <i>Removals do not involve arrests in the middle of the night or interventions at or near educational, health, shelter, or religious premises.</i> <input type="checkbox"/> <i>Alternatives to return are provided to migrants who are not medically fit to travel.</i> <input type="checkbox"/> <i>Migrants are not forcefully returned if there is any dispute about their nationality.</i> <input type="checkbox"/> <i>Migrants are not forcefully returned without a valid travel document.</i> <input type="checkbox"/> <i>When migrants choose to return home voluntarily, countries of origin ensure that their own nationals are duly received and readmitted, in full respect of every migrant's right to return to their own country and State's obligation to readmit its own nationals.</i> <input type="checkbox"/> <i>Any readmission agreement and/or arrangement concluded is fully compliant with international human rights law, is gender-responsive and child-sensitive.</i> <input type="checkbox"/> <i>Any readmission agreements and/or arrangements are publicly available.</i> <input type="checkbox"/> <i>Removals are carried out at no cost to migrants.</i>
B2. Access to justice and effective remedy during return	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are able to pursue legal claims, and access effective remedy, for any human rights violations or abuses against them during the return operation, including use of force violations, family separation, lack of access to adequate food, water, clothing, medical attention, and violations of parental or child rights.</i>
B3. Safeguarding children's best interests during return	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Safeguards are in place during the physical departure of children to ensure child-appropriate care and treatment in accordance with the best interests of the child.ⁱⁱⁱ</i>

	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Procedures are in place to ensure a relative, legal guardian or child protection official escorts unaccompanied or separated children throughout the return process until arrival in the country of return and handover of custodial responsibilities.</i> <input type="checkbox"/> <i>Formal procedures are in place to transfer care and custodial responsibilities of unaccompanied or separated children to the person or authority exercising such responsibilities in the country of return, including family members.</i>
B4. Protection of the right to family life and unity during return	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Family members are not separated during return operations unless, in the case of children, this is deemed to be in the best interests of the child through an independent and impartial best interests procedure.</i>
B5. Return monitoring^{liii}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Independent observers, with full operational and financial independence, are able to access and monitor all stages of return operations.</i> <input type="checkbox"/> <i>Monitors are automatically informed of impending return operations and provided with the relevant information on a regular basis without any need to request it.</i> <input type="checkbox"/> <i>Monitors are informed before the transfer of the migrant to the airport/port for their departure with sufficient time to monitor the return.</i> <input type="checkbox"/> <i>Monitors have absolute discretion to decide which return operations will be monitored.</i> <input type="checkbox"/> <i>Monitors can hold confidential interviews and communication with the returnee at any stage deemed necessary.</i> <input type="checkbox"/> <i>Monitors can inspect the place where the returnee is or may be detained during forced-return operations.</i> <input type="checkbox"/> <i>Monitors can observe and record the circumstances under which return is carried out and, in cases of human rights violations, intervene with direct oral or written recommendations to the competent authority.</i> <input type="checkbox"/> <i>Return operations are suspended where monitors intervene with competent authorities to raise concerns of serious human rights violations, including collective expulsion and refoulement.</i> <input type="checkbox"/> <i>Special monitors are trained and able to respond to specific / acute cases involving migrants in vulnerable situations.</i> <input type="checkbox"/> <i>Cooperation between all stakeholders is facilitated and encouraged – including NHRIs, CSOs and other stakeholders.</i> <input type="checkbox"/> <i>Accountability mechanisms are available to migrants in both the country of departure and arrival to report violations and abuses confidentially at any time during the return process, in a child-sensitive, and gender-</i>

	<p><i>responsive manner.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Accurate and disaggregated data is collected, in full respect of migrants' rights to privacy and personal data protection, and made publicly-available utilized as a basis for the independent monitoring and review of existing policies and the design of new evidence-based policies</i>
C. POST-RETURN & REINTEGRATION	Checklist
C1. Ensuring personal safety and avoiding creating or exacerbating vulnerability in the country of return^{liv}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are not subject to human rights violations or abuses upon return that threaten their personal safety or well-being, including enforced disappearance, torture, ill-treatment or other irreparable harm.</i> <input type="checkbox"/> <i>Procedures are in place to assess vulnerabilities of returnees if any, and reintegration assistance is tailored to address identified vulnerabilities and reduce risk.</i> <input type="checkbox"/> <i>Returnees with specific needs and vulnerabilities are screened and referred to specialised services.</i> <input type="checkbox"/> <i>Specialized policies and support are in place to avoid internal displacement in the country of return.^{lv}</i> <input type="checkbox"/> <i>National strategies are in place to address stigma and discrimination against returnees by engaging with communities of return and returnees themselves.</i> <input type="checkbox"/> <i>Schools and teachers are engaged in receiving returnee children and in addressing stigma that may arise from return.</i>
C2. Reintegration assistance and access to rights and related services post-return^{lvi}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Migrants are informed about and have access to the legal, social and financial support necessary to ensure the exercise of their civil, political, economic, social, and cultural rights, their labour rights, and access to related services in the country of return.</i> <input type="checkbox"/> <i>Upon arrival, returnees have access to information, orientation and support necessary to meet basic needs, and cash assistance is considered to help in providing for their basic rights and needs, including for onwards travel where requested.</i> <input type="checkbox"/> <i>Returnees have access to the highest attainable standard of physical and mental health, including equal and timely access to basic preventive, curative, rehabilitative health services and health education; regular screening programmes; appropriate treatment of prevalent diseases, illnesses, injuries and disabilities; essential drugs; and appropriate mental health treatment and care.</i> <input type="checkbox"/> <i>Returnees have access to available, accessible and adequate food, including availability of food in a quantity and quality sufficient to satisfy dietary needs and to ensure freedom from hunger and malnutrition; affordability of food necessary for an adequate diet without compromising other basic needs, such as school fees,</i>

	<p><i>medicines or rent; and food adequate to satisfy dietary needs, taking into account the individual's age, health, sex, culture or other individual circumstances.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Returnees have access to water and sanitation, including clean drinking water; sufficiently available and accessible water for personal and domestic uses such as cooking, cleaning and personal hygiene; and available water facilities and services provided free of charge to those without sufficient means to secure water and sanitation for themselves.</i> <input type="checkbox"/> <i>Returnees have access to adequate housing, including the right to choose one's own residence and determine where to live; protection against forced evictions, harassment and other threats to tenure; affordability of housing without compromising other basic needs; habitability of housing to include adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health; and location of housing that is not cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or located in polluted or dangerous areas.</i> <input type="checkbox"/> <i>Returnees have access to reintegration support, including an individual assessment and support for the development of a reintegration plan that addresses the individual's social, economic and psychosocial dimensions of reintegration.</i> <input type="checkbox"/> <i>National and local development policies/strategies include components of reintegration and harnessing returnees' skills for development.</i>
<p>C3. Appropriate reception, care and reintegration of children^{vii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Reintegration assistance is provided to all returning children regardless of the country they are being returned from, including children returning with family members.</i> <input type="checkbox"/> <i>National reintegration frameworks and strategies include specific measures to ensure the inclusion of returnee children and young people in national and local systems and services – in law and practice. Covering at minimum issues related to civil registration; physical and mental health; education and/or vocational training (when appropriate for older children) and social protection and including measures to proactively address specific barriers returning children may face (e.g. language; trauma; xenophobia, and broader stigmatization and discrimination).</i> <input type="checkbox"/> <i>Unaccompanied and separated children are always returned to adequate community- and family-based alternative care when family reunification is not possible or not in their best interests.</i> <input type="checkbox"/> <i>Specific protection measures are in place for unaccompanied and separated children, including appointment of a competent and independent guardian to accompany children once they have returned.</i> <input type="checkbox"/> <i>For unaccompanied and separated children placed in an alternative care arrangement on return, measures are</i>

	<p><i>in place to allow them to maintain family links with family members who may have been left behind/be elsewhere/in detention.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Psychosocial care and support is in place to support the reintegration of returning migrant children, in particular for those with specific needs, those who have spent little or no time in the country of return and children reunifying with family members.</i> <input type="checkbox"/> <i>Flexible learning pathways, skills development and vocational training are available for returnee children and young people.</i>
<p>C4. Access to justice^{lviii}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returnees have access to national complaint and redress mechanisms with a view to promoting accountability and addressing governmental actions related to human rights violations or abuses upon return.</i> <input type="checkbox"/> <i>Cross-border cooperation frameworks are in place to allow returnees to access justice and effective remedy for harms suffered in countries of transit or destination even after they have returned to their country of origin.</i>
<p>C5. Access to employment opportunities and decent work^{lix}</p>	<ul style="list-style-type: none"> <input type="checkbox"/> <i>When migrants give their consent, relevant ministries in countries of origin and countries from which migrants are returning are encouraged to share Information about skill sets and employment experience of persons intending to return – with full respect of migrants’ rights to data protection and privacy – to compare with assessments of labour market needs and opportunities in countries of origin (including at local level) to support planning for reintegration support, such as access to national employment counselling services, and feed into information packages for migrants considering return.</i> <input type="checkbox"/> <i>Tailored services are available to support returnees in accessing labour markets and decent work opportunities, including: assessments of labour market needs; job matching; job counselling and orientation tailored to the education, skills and professional background of each returnee building on national services available where possible; information and referral to employment services with a focus on returnees’ employability; guidance on entrepreneurial opportunities for returnees; and pathways for accelerated and sustainable inclusion in the labour market.</i> <input type="checkbox"/> <i>Specific initiatives and tailored services are in place to support returning women, young people, persons with disabilities and individuals in vulnerable situations to access the labour market and decent work. National labour market policies, and implementation/monitoring frameworks, where applicable, include specific provisions for returnees and host communities, paying particular attention to women and youth.</i> <input type="checkbox"/> <i>National labour market assessments include labour market needs which could be met by returnees, paying particular attention to women, youth and persons with disabilities.</i> <input type="checkbox"/> <i>Social dialogue takes place between government, employers’ and workers’ organizations to identify</i>

	<p><i>opportunities for returnees' labour market reintegration into decent jobs.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Where returnees have skill-sets that are sought by other States, bilateral agreements exist in line with UN system wide recommendations and are implemented to support safe and regular labour migration.</i> <input type="checkbox"/> <i>Child protection safeguards are in place and considered in any bilateral labour migration agreement or labour reintegration measure to prevent children from being exposed to child labour.</i> <input type="checkbox"/> <i>Up-to-date information and employment promotion activities are available for returnees to re-establish and develop useful contacts and networks.</i> <input type="checkbox"/> <i>The accessibility and user-friendliness of financial institutions is promoted so returnees can use incentives and loans to start businesses, fostering entrepreneurship.</i> <input type="checkbox"/> <i>(Trans)national policies are in place and funds are allocated to ensure the recognition and transfer of returnees' skills and qualifications, including recognition of prior learning; documentation and certification of skills; translation services; information on skills transfer procedures; and training opportunities.</i>
C6. Access to social protection^{lx}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returnees can access local and national social protection schemes without penalty and barriers to their access are proactively addressed.</i> <input type="checkbox"/> <i>(Trans)national and multinational policies and bilateral agreements are in place to allow for the portability of social protection schemes, including health insurance, unemployment and pensions.</i> <input type="checkbox"/> <i>Returnees are able to procure and maintain national identity documents and civil registrations.</i>
C7. Access to psycho-social assistance^{lxi}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returnees have access to counselling for psychosocial well-being and to address any trauma they may have suffered.</i> <input type="checkbox"/> <i>Policies are in place to identify and refer returnees to specialized support for mental and psychosocial care, if required. National information and awareness campaigns are in place to address stigma and discrimination by engaging with communities of return and returnees themselves.</i>
C.8 Identifying and addressing the needs of communities of return^{lxii}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>The profiles and needs of communities of return are assessed and analysed.</i> <input type="checkbox"/> <i>Local communities, authorities and relevant stakeholders are involved in reintegration planning and able to participate in their implementation.</i> <input type="checkbox"/> <i>Community mobilization activities and peer support mechanisms are in place to support the establishment of strengthening of community networks between returnees and non-returnee populations.</i> <input type="checkbox"/> <i>Provisions for returnees and communities of return are included in national and local development strategies,</i>

	<i>infrastructure planning, budget allocations and other relevant policy decisions.^{lxiii}</i>
C9. Addressing reintegration through a whole-of-government and whole-of-society approach	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Local governments, social partners, returnee organizations, and other stakeholders are included in the design, implementation and monitoring of reintegration assistance (including of its effects on development).</i> <input type="checkbox"/> <i>Effective coordination mechanisms are in place to coordinate activities among all relevant stakeholders and robust referral systems are in place between them.</i>
C10. Avoiding immigration detention	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Returnees are not subject to immigration detention on arrival in their country of origin or in a third country to which they have been returned.</i> <input type="checkbox"/> <i>Countries of origin do not impose sanctions on returning migrants related to irregular migration.^{lxiv}</i>
C11. Post-return and reintegration monitoring^{lxv}	<ul style="list-style-type: none"> <input type="checkbox"/> <i>Multidisciplinary and independent mechanisms are in place for independent and impartial post-return monitoring of the impact of return on migrants' lives and respect of their human rights in the short, medium- and long-term, including their personal safety, economic empowerment, inclusion and social cohesion, and the reintegration assistance they receive.^{lxvi}</i> <input type="checkbox"/> <i>Local governments, social partners, returnee organizations, the private sector and other stakeholders are included in the design, implementation and monitoring of reintegration assistance (including of its effects on development).</i> <input type="checkbox"/> <i>Accountability mechanisms are available to report abuses confidentially – in a child-sensitive, age and culturally appropriate manner.</i> <input type="checkbox"/> <i>Accurate and disaggregated data is collected and utilized, in full respect of migrants' rights to privacy and personal data protection, as a basis for the review and adaptation of existing policies and the design of new evidence-based policies.</i>

Endnotes

- ⁱ GCM Objective 1, para. 17; UDHR, Article 12; ICCPR, Article 17; CRC, Article 16; ICMW, Article 14.
- ⁱⁱ CCPR, General Comment No. 16 on the Right to Privacy (1988), para. 10.
- ⁱⁱⁱ GCM Objective 15, para. 31.
- ^{iv} CESCR, The Duties of States Towards Refugees and Migrants under the ICESCR, E/C.12/2017/1, February 2017.
- ^v GCM Objective 3, para. 19(d).
- ^{vi} GCM Objective 4, para. 20(f).
- ^{vii} GCM Objective 4, para. 20(g).
- ^{viii} GCM Objective 15, para. 31(b); See also, UN Network on Migration, *Mapping of Gaps and Positive Practices*, p. 12.
- ^{ix} GCM Objective 3, para. 19.
- ^x GCM Objective 3, para. 19(c).
- ^{xi} GCM Objective 12, para. 28(e).
- ^{xii} GCM Objective 21, para. 37.
- ^{xiii} GCM Objective 7, para. 23(g).
- ^{xiv} GCM Objective 3, para. 19(d).
- ^{xv} GCM Objective 14, para. 30.
- ^{xvi} GCM Objective 14, para. 30(e).
- ^{xvii} GCM Objective 14, para. 30(f).
- ^{xviii} GCM Objective 21, para. 37(d); GCM Objective 14, para. 30 (f).
- ^{xix} GCM Objective 7, para. 23(e).
- ^{xx} GCM Objective 14, para. 30(d).
- ^{xxi} GCM Objective 21, para. 37.
- ^{xxii} GCM Objective 21, para. 37.
- ^{xxiii} GCM Objective 21, para. 37(e).
- ^{xxiv} UN Network on Migration, *Position Paper*, para. 1.
- ^{xxv} GCM Objective 21, para. 37.
- ^{xxvi} UN Network on Migration, *Position Paper*, para. 14.
- ^{xxvii} GCM, para. 15.
- ^{xxviii} “A comprehensive, secure and sustainable solution is one that, to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective. The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will meet his or her needs and fulfil his or her rights as defined by the Convention on the Rights of the Child.” CMW/C/GC/3-CRC/C/GC/22, para. 32(j).
- ^{xxix} CMW/C/GC/3-CRC/C/GC/22, para. 33.
- ^{xxx} UN Committee on the Rights of the Child, *D.D. v. Spain*, CRC/C/80/D/4/2016, 1 February 2019, para. 14.4.
- ^{xxxi} CMW/C/GC/3-CRC/C/GC/22, para. 32(j).
- ^{xxxii} GCM Objective 21, para. 37(g); CMW/C/GC/3-CRC/C/GC/22, para. 32(k).
- ^{xxxiii} GCM Objective 21, para. 37(g).
- ^{xxxiv} GCM Objective 5, para. 21.
- ^{xxxv} UN Network on Migration, *Position Paper*, para. 6.
- ^{xxxvi} Examples of alternative options to return include a right to temporary or permanent residence in the country based on compassionate, humanitarian or human rights grounds; relocation to a third country; regularization and leave to

remain for migrants in irregular situations or at risk of falling out of regular status, including recently aged-out young people; and/or specific protection, including a right to remain, for migrant victims of trafficking or aggravated smuggling, for victims of crime (e.g. gender-based violence), and for migrant children based on upholding their best interests, or other migrants in vulnerable situations. UN Network on Migration, *Position Paper*, para. 6.

xxxvii GCM Objective 2, para. 18; GCM Objective 5, para. 21; GCM Objective 7, para. 23.

xxxviii GCM Objective 13, para. 29.

xxxix GCM Objective 11, para 27(f).

xl GCM Objective 9, para 25; GCM Objective 10, para. 26.

xli GCM Objective 21, para. 37(b); UN Network on Migration, *Position Paper*, para. 5.

xlii UN Network on Migration, *Position Paper*, para. 5.

xliiii UN Network on Migration, *Position Paper*, para. 5.

xliv GCM Objective 21, para. 37(b); UN Network on Migration, *Position Paper*, para. 5.

xliv UN Network on Migration, *Position Paper*, para. 5.

xlvi UN Network on Migration, *Position Paper*, para. 5.

xlvi UN Network on Migration, *Position Paper*, para. 5.

xlviii For example, best interests determinations should consider, *inter alia*, the ability of children to finish their exams, school term or year; complete ongoing or necessary medical treatment; complete training; and receive school diplomas and other relevant education qualifications or credentials.

xlix GCM Objective 21, para. 37(f).

l GCM Objective 1, para. 17.

li UN Network on Migration, *Position Paper*, para. 7.

lii These safeguards should include, *inter alia*, the consideration of the needs of the child during the journey; the adequate training of staff and availability of child protection officials; and adequate monitoring and protocols to ensure no use of force, coercion or family separation takes place in violation of the rights of the child during the journey.

liii GCM Objective 21, para. 37(f).

liv GCM Objective 21, para. 37; GCM Objective 21, para. 37(a-b).

lv GCM Objective 21, para. 37(b).

lvi GCM Objective 21, para. 37(b).

lvii GCM Objective 21, para. 37(g).

lviii GCM Objective 21, para. 37(h).

lix GCM Objective 21, para. 37(h).

lx GCM Objective 21, para. 37(h).

lxi GCM Objective 21, para. 37(h).

lxii GCM Objective 21, para. 37(i).

lxiii GCM Objective 21, para. 37(i).

lxiv GCM Objective 11, para 27(f).

lxv GCM Objective 21, para. 37(f).

lxvi UN Network on Migration, *Position Paper*, para. 13.