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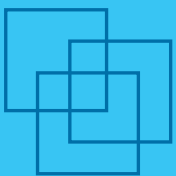
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Effective return and reintegration of migrant workers

with special focus on ASEAN Member States



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Piyasiri Wickramasekara

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Foreword

Labour migration continues to remain prevalent in the ASEAN region. It is estimated that there are currently 20.2 million migrants originating from ASEAN countries, nearly 6.9 million of whom have migrated to other countries within the region. Given the predominance of a temporary migration cycle, most ASEAN migrant workers will return to their origin country when their contract ends.

While stakeholders have focused on the earlier stages of the migration cycle, such as the development of effective migration laws and policies, pre-departure training, and research on working conditions when abroad, far less attention is focused on the return and reintegration of migrant workers. As a result, the return and reintegration of migrant workers has been described as the 'unwritten chapter in the history of migration'. Reintegration programmes should be addressed comprehensively before, during, and after migration.

The diverse needs of returning migrants requires gender-responsive and comprehensive services focusing on economic, social, and psychosocial needs. Returning migrants may experience a wide variety of needs, requiring programmes that address those seeking assistance with unemployment, lack of savings, business development, job-matching, or issues with psychosocial trauma or difficulty reintegrating into their communities. Integrated and targeted programmes could assist migrant workers return to their local community as well as optimize their contribution to their communities and labour markets.

The importance of migrant return and reintegration programmes is highlighted in global standards and conventions, including the International Labour Organization (ILO) Recommendation No. 86 (Migration for Employment) to the ILO Convention No. 97, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Regional frameworks, including the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (the Cebu Declaration, 2007) and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017) also emphasize the need for policies and programmes to assist in the reintegration of returned migrants.

Yet, in spite of the widespread support and commitments, migrant workers continue to face challenges in accessing return and reintegration services. Aiming to address this gap, the Government of Indonesia proposed an activity on reintegration for the ASEAN Committee on the Implementation of the ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers (ACMW) Work Plan 2016-2020, which was adopted by the ACMW. Then, the Government of Indonesia and ACMW took the lead to develop a set of *ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers*. This paper was prepared with the support of the Governments of Australia and Canada, through the ILO TRIANGLE in ASEAN programme, and the ASEAN Secretariat to provide background and inputs to the development of the *Guidelines*. The Government of Indonesia and ILO hope that both this background paper and the *Guidelines* will help ASEAN Member States design and implement effective and sustainable reintegration policies and programmes that maximise the development potential of migration within the ASEAN region.

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The completion of this report would not have been possible without the contributions of the Workshop participants, including representatives from ASEAN governments, employers’ organizations, workers’ organizations, and civil society, in addition to the comments provided by ASEAN Member States, through the ACMW, following the Workshop. The author is grateful for these inputs as well as the substantial inputs from the ASEAN Secretariat, the Government of Indonesia, and the ILO TRIANGLE in ASEAN team. The author acknowledges the substantive comments and suggestions received from Benjamin Harkins for the revision of the report. He is also grateful to Professor Jean-Pierre Cassarino for specific comments on definitions and terminology. The author also thanks John Maloy for editing the report, and Florian Saint-Aubin for the layout and graphic design of the report.

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Abbreviations

ACMI	Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People
ACMW	ASEAN Committee on the Implementation of ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
AFML	ASEAN Forum on Migrant Labour
ASEAN	Association of Southeast Asian Nations
ASEAN Consensus	ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers
AVRR	Assisted Voluntary Return and Reintegration (IOM)
CAMPO	Country of Origin Migrant Support Centre (Cabo Verde)
DOLE	Department of Labor and Employment (Philippines)
EPS	Employment Permit System (Republic of Korea)
EU	European Union
FAST	Foreign Domestic Worker Association for Social Support and Training (Singapore)
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Their Families
ILO	International Labour Organization
IOM	International Organization for Migration
MOU	memorandum of understanding
NAPRR	National Action Plan on Return and Reintegration of Migrant Workers (Sri Lanka)
NCTP	National Committee for Tourism Professionals (Cambodia)
NGO	non-governmental organization
NRCO	National Reintegration Center for OFWs (Philippines)
OFW	overseas Filipino worker
OWWA	Overseas Workers Welfare Administration (Philippines)
PHP	Philippines peso (currency)
POLO	Philippines Overseas Labour Offices
RPL	recognition of prior learning
SENAMI	Secretaría Nacional del Migrante (National Migration Secretariat)
SLBFE	Sri Lanka Bureau of Foreign Employment
TESDA	Technical Education and Skills Development Authority (Philippines)
TOAP	TESDA Onsite Assessment Program (Philippines)
UNHCR	United Nations High Commissioner for Refugees





CHAPTER 1

Introduction

The right of citizens to return to their home countries is a human right recognized in the Universal Declaration of Human Rights and reaffirmed in other universal human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICRMW). Traditionally, return migration has been positively viewed as a popular strategy to “reverse the brain drain” caused by the permanent migration of skilled persons abroad. More recently, return of migrants and their reintegration in home countries have received increasing emphasis in the light of perceived migration-development linkages and the proliferation of temporary labour migration programmes. Return of workers is integral to the temporary migration cycle involving pre-departure, employment abroad, and return phases. At the same time, forced migration has led destination countries to launch assisted return, re-admission, and deportation programmes for rejected workers in irregular status.

Return migration is also one of the least enumerated and researched areas. King (2000, p. 7) described return migration as the “unwritten chapter in the history of migration”. Few countries monitor the return of migrant workers or maintain databases of returnees. Assessment is made more difficult by the considerable diversity in patterns of return and reintegration.

Efforts in the Association of Southeast Asian Nations (ASEAN) regarding reintegration is limited. The background report for the 11th ASEAN Forum on Migrant Labour (AFML) stated: “While programmes and services have been set up in some ASEAN Member States, no country in the region has reportedly established a comprehensive state policy or strategy on reintegration” (ILO, 2018a, p. 46).

This paper first deals with definitional issues, and the rationale for reintegration programmes. Next it discusses general principles to be followed in such programmes, and emerging issues and challenges. This is followed by a review of selected good practices in ASEAN and beyond. The final section contains some observations on the way forward.

The paper was prepared as the background document for the ASEAN Workshop on Reintegration Programmes for Returning Migrant Workers (27–28 August 2019) in Yogyakarta,¹ organized by the Ministry of Manpower, Government of Indonesia, and the International Labour Organization (ILO) TRIANGLE in ASEAN programme.² The workshop is an activity under the 2016–2020 Work Plan of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), and it is aimed at facilitating the development of ASEAN Guidelines on Effective Return and Reintegration.

¹ For more details see: http://www.ilo.org/asia/events/WCMS_713765/lang--en/index.htm?shared_from=shr-tls.

² TRIANGLE in ASEAN is a partnership between the Australian Department of Foreign Affairs and Trade, Global Affairs Canada, and the ILO.



CHAPTER 2

Methodology and definitions

2.1 Methodology of information gathering and analysis

The objective of the background paper is to highlight conceptual issues and good practices in the reintegration of migrant workers in the ASEAN region and beyond, while noting that all ASEAN Member States are both origin and destination countries to varying degrees.

This study is primarily a desk review based on an extensive survey of existing research and documents on return and reintegration in ASEAN and internationally. There is very limited information on return and reintegration available in the public domain for some ASEAN countries. It has been supplemented in a limited way through information supplied by the ILO TRIANGLE in ASEAN programme.

The report mainly focuses on return and reintegration of migrant workers in regular status and does not deal in detail with special programmes such as Assisted Voluntary Return and Reintegration administered by the International Organization for Migration (IOM). The primary focus of this issues paper is on return and reintegration of low- and semi-skilled migrant workers. It does not cover the return and reintegration of skilled workers within ASEAN and beyond.

2.2 Definitions of return migration and reintegration

a. Return migration

Return is a catch-all term which can apply to a whole range of situations. In general, it refers to the return of migrant workers from a country of destination back to the country of origin. According to the Statistics Division of the United Nations Department of Economic and Social Affairs, return migrants are “persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year” (UNDESA, Statistics Division, 1998, p. 94). While this definition identifies the home country with nationality, some argue that it is better to use the country of birth as the criterion for identifying returning migrants because those who were naturalized in countries of destination may otherwise be left out (Dumont and Spielvogel, 2008). Migrants may also move to a third country or countries before returning the country of origin.

The 2018 ILO guidelines on migration statistics state: “return international migrant workers are defined as all current residents of the country who were previously international migrant workers in another country or countries. . . . The minimum duration of labour attachment abroad for a person to be considered as a return international migrant worker [is] relatively short, such as 6 months” (ILO, 2018b, p. 15).

b. Voluntary return

Voluntary return literally means making the decision to return according to one’s own free will or independently. It can be described as freely chosen return. However, the term “voluntary return” has been used in misleading ways by destination countries and some international organizations (Webber, 2011). The European Council on Refugees and Exiles (ECRE, 2003) has pointed out that voluntary return can only be exercised by those with a legal basis for remaining in the host country. The United Nations High Commissioner for Refugees (UNHCR) handbook on voluntary repatriation (as cited in OHCHR, 2018) states that for a return to be voluntary, a refugee must have the legal right to remain in the host country, must be free from detention, and must have their rights respected. According to the UN Special Rapporteur on the Human Rights of Migrants: “Reintegration is possible only if the return has been truly voluntary, informed, free of coercion and with consideration of sufficient and valid alternatives to regularize a stay or to grant access to citizenship, and where the return has not been the only way out of exploitation and abuse in the destination country (United Nations, 2018, p. 12).

c. Forced return

“The act of returning an individual, against his or her will, to the country of origin, transit or to a third country that agrees to receive the person, generally carried out on the basis of an administrative or judicial act or decision” (IOM, 2019, p. 75). Destination countries often remove rejected workers in irregular status when they do not return voluntarily.

d. Assisted Voluntary Return and Reintegration (AVRR)

Assisted returns refers to when migrants are provided some assistance in return and reintegration. The IOM has been operating Assisted Voluntary Return and Reintegration (AVRR) programmes for over 40 years now, mainly for rejected asylum-seekers and those in irregular status. The IOM defines AVRR programmes as “[a]dministrative, logistical or financial support, including reintegration assistance, to migrants unable or unwilling to remain in the host country or country of transit and who decide to return to their country of origin” (IOM, 2019, pp. 10–11). AVRR programmes mostly support returns from Europe (Newland and Salant, 2018). Concerns over the voluntary nature of these programmes have been raised by some (Webber, 2011; United Nations, 2013).³

³ In the context of AVRR, voluntariness is assumed to exist if two conditions apply: (a) freedom of choice, which is defined as the absence of physical or psychological pressure to enroll in an AVRR programme; and (b) an informed decision, which requires the availability of timely, unbiased and reliable information upon which to base the decision. In some cases, an assessment may be needed by qualified professionals to determine the extent to which a person is capable to take such a free and informed decision, and who, should the person lack such a capacity, could legally take the decision on his/her behalf.

e. Reintegration

There is no universally agreed definition of the concept of reintegration. The Return Migration and Development Platform of the European University Institute (which carried out analytical and empirical studies on return and reintegration in different regions) defines reintegration as: "Process through which a return migrant participates in the social cultural, economic and political life of the country of origin" (Cassarino, 2014b, p. 184). Unlike return migration, reintegration is a multidimensional concept that is not easily measurable. It can be observed at several levels: individual, family, community, economy, and society as a whole. The UNHCR's 2004 Handbook for Repatriation and Reintegration Activities stated that "the 'end state' of reintegration is the universal enjoyment of full political, civil, economic, social and cultural rights" (UNHCR, 2004, p. 39).

f. Effective return and reintegration

Effective reintegration means successful reintegration of returning workers into their families, communities, the economy, and society. From the viewpoint of a country of origin, effective return means that their migrant workers return in a safe and dignified manner after achieving their migration objectives overseas. Effective return and reintegration may require the following:

- Countries of origin collaborate with countries of destination to ensure the safe and dignified return of their citizens.
- Labour attachés and consular missions in the country of destination provide advice on and facilitate the safe and dignified return of migrant workers.
- Employers facilitate the return journey on the expiry of migrant workers' employment in accordance with the employment contract and the laws and regulations of the country of destination.
- The country of origin and home communities provide adequate reception services to returning migrant workers.
- Returning migrant workers register with the central and local authorities upon their return to facilitate access to support services as well as to contribute their skills and resources to the community and to society as needed.

g. Sustainable return and reintegration

The concept of sustainable return has gained popularity in policy and practice. It can be interpreted literally as a situation where migrant workers stay in the country of origin for an extended period of time without attempting to re-migrate. However, the question remains whether the total absence of mobility across borders can be used as an indicator of sustainable return and reintegration. The concept of sustainable return is misleading if it suggests the closure of the migration cycle. As the UN Special Rapporteur on the Human Rights of Migrants stated: "In the context of well-governed migration policy, return may be one step in the migration cycle, but it is not necessarily the end of the process" (United Nations, 2018, p. 12).

The IOM incorporates remigration in its new definition of sustainable return and reintegration.

Reintegration can be considered sustainable when returnees have reached levels of economic self-sufficiency, social stability within their communities, and psychosocial well-being that allow them to cope with (re)migration drivers. Having achieved sustainable reintegration, returnees are able to make further migration decisions a matter of choice, rather than necessity (IOM, 2017, p. 3)

Koser and Kuschminder (2015, p.8) have defined sustainable return as follows: "The individual has reintegrated into the economic, social and cultural processes of the country of origin and feels that they are in an environment of safety and security upon return." This definition is essentially the same as that proposed by Cassarino (2014b). It attempts to incorporate both objective and subjective criteria by incorporating migrants' own feelings of safety and security upon return (OHCHR, 2018). Kuschminder (2017, p. 5) adds:

Thus, sustainable return is achieved by: economic reintegration whereby an individual can sustain a livelihood and is not in a situation of economic vulnerability; social and cultural reintegration whereby the returnee is actively incorporated into the receiving society, for example at the local community level; and political-security reintegration whereby the returnee feels they have access to safety and justice upon return.

h. Circular migration

This refers to temporary movements of a repetitive character – either formally or informally – across borders, usually for work, involving the same migrants (Wickramasekara, 2011). By definition, all circular migration is temporary migration. Circular migration thus means repeat migration, and it overlaps also with the concept of return migration, as return is part of the circular movement. Circular migration is common within internal migration in ASEAN countries, where people migrate for seasonal agricultural employment.

2.3 Types of return migration and their implications for reintegration

There are different types of return of migrant workers to their countries of origin (Battistella, 2018; Cassarino, 2014a; Cerase, 1974; King, 2000; Dumont and Spielvogel, 2008; Wickramasekara, 2003), as detailed below.

2.3.1 Time pattern of returns

Different types of return are as follows:

- occasional returns (for instance members of the diaspora – defined as communities of nationals who have settled in other countries);
- seasonal returns (of workers migrating for seasonal work);
- return of temporary workers at the end of their work contracts; and
- return of permanent residents who were settled in other countries.

The timing of return is important for several reasons. If migrants return with additional qualifications and skills, work experience, accumulated resources, and social capital (networks and linkages with those back in the host country), their contributions to the home country will be greater and reintegration easier. A person who returns after a brief spell abroad may not be able to integrate well or offer benefits to the home country in the form of diverse forms of capital (human, financial, and social).

2.3.2 Motives of return

Migrants return for various reasons, including: successful completion of their migration objectives or targets; retirement; lack of success and poor integration in destination countries; family reasons; rejected asylum applications; and deportations, among others. In the temporary migration cycle predominant in Asian and Middle Eastern countries, migrant workers have to return to the origin country when the contract ends. A long-term migrant may decide to return for retirement or because conditions in the origin or destination country have changed or because they have achieved their targets in migration.

In his seminal analysis of Italian return migration from the United States, Cerase (1974) listed four categories of reasons for migrant return: (1) failure; (2) conservatism; (3) retirement; and (4) innovation. The last group – return of innovation – is the one most relevant to development of the home country. This analysis has influenced subsequent research, and some of his ideas still remain valid.

Surveys in several ASEAN countries have highlighted reasons for the return of migrants (Bernas, 2016; Harkins, Lindgren, and Suravoranon, 2017; Hatsukano, 2019). The most frequent reason cited by workers is homesickness and a family situation. According to the survey by Harkins, Lindgren, and Suravoranon (2017), not even six per cent of returnee respondents reported having made enough savings. Forced returns due to deportation were also infrequent at two to four per cent only (Harkins, Lindgren, and Suravoranon, 2017). The most common reasons for return reported by surveyed Myanmar workers in Thailand are end of visa/work permit, deportation, not having proper documents, visiting family and friends, and family wanting them to return (IOM, 2018).⁴

2.3.3 Nature of return

The circumstances under which return migration takes place are crucial for the reintegration of migrants back into their countries of origin (Cassarino, 2014b; King, 2000; Wickramasekara, 2011). Cassarino (2014b) defines this as “returned preparedness” based on two factors: willingness to return and readiness to return. According to the UN Special Rapporteur of the Human Rights of Migrants, “effective reintegration programmes depend largely on the voluntary character of returns and may ultimately contribute to decreasing re-emigration rates” (United Nations, 2018). With freely-chosen return, returning migrants have greater freedom to plan their reintegration efforts.

⁴ This IOM flow monitoring survey was confined to some districts in the Tak province of Thailand, and cannot be considered as representative of the general situation of Myanmar migrant workers in Thailand. (Personal communication by Benjamin Harkins, Technical Officer (Research and M&E), ILO.)

2.4 Classification of return cycles and implications for reintegration

On the basis of empirical investigations in a number of countries, Cassarino (2014b) highlights the correlation among motivations to return, return preparedness, and types of migration cycles. Three types of migration cycles have been identified: complete migration cycle; incomplete migration cycle; and interrupted migration cycle. The reasons leading to each have also been identified. Return preparedness is highest for complete migrate and lowest for the interrupted migration. (See Table 1.) Free will and readiness to return are major preconditions contributing to better return preparedness. What Cassarino (2014a) misses is that return preparedness is also related to the pre-departure conditions. Persons who migrated under fair migration situations have a much better chance of completing the migration cycle than others. Those who are subjected to high migration costs and heavy indebtedness prior to departure are more likely to end up in forced labour situations and would find it difficult to save adequately and achieve a high level of return preparedness.

Table 1

Interrelationship between levels of return preparedness and the three types of migration cycles

Complete migration cycle	Incomplete migration cycle	Interrupted migration cycle
<ul style="list-style-type: none"> ■ Persons have migrated under regular and fair recruitment situations involving minimum costs and debts, and have been well-informed. ■ To run a business concern or return to employment in country of origin. ■ Termination of job contract. To complete training/studies at home. ■ Achieved migration objective (e.g., achieved target savings or successful completion of studies). ■ Situation in the country of origin has improved. 	<ul style="list-style-type: none"> ■ High indebtedness in making the migration journey coupled with low wages at destination. ■ Job precariousness in the destination country. ■ Family and personal problems. ■ Adverse social and cultural environment/racism and faced discrimination abroad. ■ Migration objectives not achieved (e.g., anticipated earnings not met; studies not completed). 	<ul style="list-style-type: none"> ■ Non-renewal of residence permit in the destination country. ■ Expulsion/readmission/removal. ■ Administrative/financial hurdles. ■ Loss of job. ■ Serious health problems. ■ Family constraints/pressures. ■ Forced marriage. ■ Crises: natural disasters; armed conflict.
High level of return preparedness	Low level of return preparedness	No return preparedness

Source: Adapted from table in Cassarino, 2014a, p. 7.



CHAPTER 3

Why return and reintegration policies are necessary

In some ASEAN origin countries, migration policy has focused on expansion of overseas employment and remittances, with inadequate attention paid to return and reintegration (ESCAP Secretariat, 1986; Rashid and Ashraf, 2018). Additionally, attention on return and reintegration may focus only on trafficked victims. However, ASEAN countries need to accord higher priority to return and reintegration in general for several reasons.

a. Temporary migration cycles affect most ASEAN workers

Return and reintegration assume special relevance in a temporary migration cycle when workers on short-term and temporary contracts return to countries of origin. According to the ASEAN migration statistics database, net migration from Indonesia was negative in 2015 and 2016, with more migrant workers returning to Indonesia than leaving. In 2017, 261,820 Indonesian workers left for overseas employment, while 250,390 workers returned.⁵ As migrant returns are substantial, they need to be given priority in policy and programmes to overcome various obstacles returnees face upon return (Bachtiar and Prasetyo, 2017; Harkins, Lindgren, and Suravoranon, 2017; ILO, 2018a). In the absence of a comprehensive framework of services, return migrant workers experience a variety of challenges affecting their abilities to reintegrate with the host communities, to cope with psychosocial trauma, and to find sustainable livelihood opportunities (Rashid and Ashraf, 2018). This is a loss to migrant workers, their communities, and society as a whole.

⁵ In the ASEAN Labour Migration Statistics Database (2017), information on return of migrants is available only for Indonesia in 2017. Table 19 in Module C. <http://apmigration.ilo.org/asean-labour-migration-statistics>

ASEAN migration instruments have drawn attention to the commitments on return and reintegration by origin countries and ASEAN as a whole, as indicated in Box 1. The focus is on the responsibilities of countries of origin. The 4th AFML made a series of specific recommendations on return and reintegration, which are reproduced in Appendix I of this report along with recommendations made by other AFML meetings.

Box 1

ASEAN instruments and return and reintegration

1. ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ASEAN, 2007):

Commitments by countries of origin:

13. Set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas and protection of the migrant workers when abroad as well as repatriation and re-integration to the countries of origin; and

Commitments by ASEAN:

16. Establish and implement human resource development programmes and reintegration programmes for migrant workers in their countries of origin;

2. ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN, 2017a):

26. The Sending State will develop a comprehensive reintegration programme for returned migrant workers and their families as well as an employment programme for returned migrant workers taking into account their skills obtained overseas.

28. The Sending State will ensure the right of returned migrant workers to establish associations, participate in policy making and programmes affecting migrant workers, and to access services for returned migrant workers and their family members in accordance with the national laws, regulations and policies of the Sending State.

b. Returning migrant workers have diverse needs

Returnees may have mixed characteristics and needs. Some migrants are forced returnees, such as workers in irregular status deported from destination countries. There are also victims of fraud, trafficking, abuse, and exploitation who did not manage to complete their migration objectives and who may need special assistance in integrating. Surveys have shown that unemployment, low wages, lack of savings, and psychosocial issues were common problems that many migrant workers face when returning home (Harkins, Lindgren, and Suravoranon, 2017). At the same time, skilled and diaspora returnees may mostly require information on government economic and social policies and investment opportunities.

To address different returning migrant workers' needs, the Government of Indonesia Reintegration Programme for Returning Migrant Workers aims to enhance the skills and abilities of three groups: (1) returning workers who successfully completed their contract period; (2) returning workers who were not successful in completing their contract period; and (3) families of both groups (Trisiana, 2019). The National Reintegration Center for Overseas Filipino Workers (OFWs) in the Philippines has special programmes for undocumented return workers, distressed OFWs, and women migrant workers (Martin, 2019). Viet Nam has legislated specific support policies for workers in poor districts who have returned from working overseas (DOLAB and IOM, n.d.).

c. Development potential of return migration

Return migration is one of the key pillars of the migration–development nexus, along with remittances and diaspora engagement. Origin countries, therefore, should promote the beneficial impact of return migrants for home country development through appropriate policies (Bachtiar and Prasetyo, 2017; Debanath, 2016; Haase and Honerath, 2016; Wahba, 2015; Wickramasekara, 2003; 2010):

- Return migrants are a ready workforce familiar with the local work environment (BEF, 2015).
- Return migrants may facilitate the transfer of skills acquired abroad for the benefit of the home economy. Surveys show that most migrants acquire work skills, and also bring back social values and social capital through their exposure to foreign environments and workplaces.
- Returnees may also bring back financial capital in addition to remittances already sent.
- Return migrants may stimulate investments in new enterprises. There is a tendency for returning workers to be self-employed, though they may have been wage workers prior to migrating (Cassarino, 2014b).

d. International instruments and global development and migration frameworks recommend the reintegration of migrant workers and their families

The ICRMW calls in Article 67(2) for inter-State cooperation as a means to “to promoting adequate economic conditions for [migrants] resettlement and to facilitating their durable social and cultural reintegration in the State of origin”. The 2030 Agenda for Sustainable Development calls for “[u]nderlin[ing] the right of migrants to return to their country of citizenship and recall[ing] that States must ensure that their re-turning nationals are duly received” (United Nations, 2015, p. 8). Objective 21 of the Global Compact for Safe, Orderly and Regular Migration encourages States to: “cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration” (UN General Assembly, 2018: 6). Appendix II further details important references to return and reintegration in international instruments and global frameworks.



CHAPTER 4

General principles in designing and implementing return and reintegration programmes

There are several general principles that should be respected in designing and implementing reintegration programmes and projects of relevance to all countries, including ASEAN Member States.

a. Coverage of all return migrant workers throughout the migration process

Reintegration programmes should be fully inclusive, covering all migrant workers irrespective of sex, age, skills, and migratory or return status (e.g., irregular status or deported).

Planning for return and reintegration should start before migration and continue during employment (ILO, 2015a). Migrants who suffer recruitment abuses, carry high debt burdens, and/or were provided with misleading information prior to departure cannot effectively realize their migration objectives. Similarly, abuse and exploitation in the workplaces and discrimination in the destination country will seriously undermine the capacity of migrant workers to save or to return in conditions of dignity.

b. Rights-based

All policies and programmes should respect the human and labour rights of the migrant workers in line with relevant international and ASEAN instruments. The first general principle of the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers reads: "Both the receiving states and sending states shall strengthen the political, economic and social pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member Countries" (ASEAN, 2007, p. 1). The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus) commits Member States to uphold the fundamental rights and dignity of migrant workers and ensuring their fair treatment (ASEAN, 2017a). It also states: "The Receiving State will protect the employment rights of migrant workers during repatriation" (ASEAN, 2017a, p. 23). The 4th

AFML made a general recommendation: “Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organizations” (ILO, 2011, p. 3).

c. Evidence-based

Return and reintegration planning and services should be based on solid evidence generated through registration and survey information on the profile of returnees by:

- gender;
- skills;
- occupation(s) abroad;
- legal status;
- reasons for return;
- preparedness for return; and
- their locations and geographic distribution.

Evidence also helps assess migrant workers’ needs in respect to different dimensions of reintegration support – economic, social, psychosocial, and cultural. While some returnees may need only limited support, mostly in the form of information, vulnerable workers, for example, forced and premature returnees, abused migrant workers, deportees, and victims of trafficking – need more targeted interventions (Haase and Honerath, 2016).

d. Gender-sensitive and gender-responsive

Women migrant workers form a substantial share of the total migrant outflows. This is reflected in return flows as well. In the case of Indonesia (the only ASEAN country for which return data is available at a national level), women returnees outnumbered male returnees during 2014–2017 (679,191 women workers compared to 552,853 male workers).⁶

Given that female and male migrant workers may experience different issues and problems throughout the migration cycle, it is important that gender considerations are mainstreamed into all interventions. Women are likely to face greater discrimination in workplaces, and also a greater likelihood to be subject to trafficking and forced labour given their concentration in unprotected sectors such as domestic work. Some women workers may return prematurely because of pregnancy testing practiced in some countries of destination. The ASEAN Consensus is committed to the promotion of fair treatment of migrant workers in relation to gender (ASEAN, 2017a). Recommendation 19 from the 5th AFML refers to gender-sensitive reintegration, among others (ILO, 2018a). The Joint ILO–UN Women Regional Workshop on Effective Social and Economic Reintegration of Women Migrant Workers recognized women’s special needs and developed a series of recommendations to assist women migrant workers throughout the migration cycle (ILO and UN Women, 2014). Most of the recommendations apply to both female and male workers.

e. Avoidance of preferential treatment

It is important that policies should not be seen as favouring returnees over locals in the community who have not migrated. What is needed is the creation of a level playing ground for both return migrant workers and those who did not migrate through improvements to community infrastructure and resources. “Facilitating reintegration requires programmes to focus on both returnees and the communities of origin to which they will return, including pre-arrival activities with host communities to ensure that reintegration benefits all” (United Nations, 2018, p. 13).

f. Consultative and participatory

All interventions should incorporate the voice of returnees, where appropriate, through consultation and participation with returned workers and their associations. This is in line with Article 28 of the ASEAN Consensus, which states: “The Sending State will ensure the right of the returned migrant workers to establish associations, participate in policy making and programmes affecting migrant workers” (ASEAN, 2017a, p. 17).

⁶ Cumulative figures for the 2014–2017 period. ASEAN Labour Migration Statistics Database (2017): Table 19 in Module C. <http://apmigration.ilo.org/asean-labour-migration-statistics>

All interventions should promote multi-stakeholder cooperation – central government and local governments, social partners, civil society, recruitment agencies, private sector and other concerned agencies, and consular staff, especially labour attachés (ILO, 2011; Bachtiar and Prasetyo, 2017). Private-public partnerships, including diaspora organizations, can partly address the issue of resource constraints for reintegration.

g. Social protection coverage

Migrant workers are found to be among the least protected in relation to social protection coverage and its portability in ASEAN (Olivier, 2018). The ASEAN Declaration on Strengthening Social Protection (ASEAN Secretariat, 2016, p. 3) states: “Everyone, especially those who are poor, at risk, persons with disabilities, older people, out-of-school youth, children, migrant workers, and other vulnerable groups, are entitled to have equitable access to social protection that is a basic human right and based on a rights-based/needs-based, lifecycle approach and covering essential services as needed.” The related Regional Framework and the Action Plan also includes migrant workers among the target groups for achieving inclusion and enhancing equitable access to social protection. The Action Plan also proposes a study on the portability of social insurance for documented migrant workers and their immigrant families, specifically the feasibility of its transferability across ASEAN Member States. This should cover all migrant workers, because undocumented workers would also pay to social security systems.

h. Shared responsibility between origin and destination countries

The preamble to the ASEAN Consensus states: “CONFIRMING the shared and balanced responsibilities of the Receiving and Sending ASEAN Member States to protect and promote the rights of migrant workers and members of their families in the entire migration process” (ASEAN, 2017a, p. 5).

The World Bank in its Migration and Development Brief No. 28, which focused on return and reintegration, states:

Living and working conditions in the host country play a dominant role in reintegration. The ability to secure jobs, have access to independent housing, and the freedom to develop social contacts while abroad are likely to be important factors in supporting the social and economic reintegration of returnees. ... Therefore, integration in the destination country supports reintegration and sustainable return. By extension, restrictive migration policies undermine return programs and may damage prospects for reintegration upon return (World Bank, 2017, p. 18).

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers states under obligations of countries of destination: “Promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers” (ASEAN, 2007, p. 2). Such cooperation can also enable diaspora circulation and transnational business networks. This improves the return preparedness of migrants and the diaspora. According to Haase and Honerath (2016, p. 13):

Dialogue between host and home countries needs to be based on mutual respect and acknowledgement of each partner's interests and capacities. ... Reintegration therefore begins in the destination country. Return and reintegration policies can benefit enormously when the inherently transnational character of return and reintegration policies is taken into account.

Origin country embassies, especially labour attachés, have a major role to play in promoting dialogue and collaborative efforts between the origin and destination countries. Article 16 of the ASEAN Guidelines on Corporate Social Responsibility also commits all enterprises to promoting migrant rights and decent working conditions (ASEAN Secretariat, 2017).

i. Avoidance of mass expulsion and deportations

Migrant detention, collective expulsions, or mass deportations should be avoided, as recommended in international instruments. The 4th AFML Recommendation 9 states: “Ensure as much as possible that mass/group deportation will not take place” (ILO, 2011, p. 2). Some countries of destination opt for prolonged detention in overcrowded camps and deportation without due process as means to address irregular migration (Harkins, 2016). However, mass/group deportation and prolonged detention strategies adversely affect the effective reintegration of return migrants. Rather, countries of destination should arrange for the safe and dignified return of workers in irregular status in collaboration with countries of origin. At the same time, countries should prepare contingency plans for mass evacuation of migrant workers in case of sudden conflict and disasters.



CHAPTER 5

Issues and challenges in return and reintegration

ASEAN governments and stakeholders face several challenges in promoting sustainable return and sustainable reintegration.

a. Lack of data on returnees and their patterns of reintegration

While most origin countries register outflows of workers, few countries monitor, or have the capacity to monitor, the return flows of migrant workers or to maintain databases of returnees. Destination countries may also consider release of data on expulsions and deportations as being too sensitive. The absence of information makes it difficult to provide targeted services or interventions according to the profiles of returnees and their geographical spread.

b. Lack of proper laws, policies, and institutions regarding return and reintegration

Aside from a few countries, there are no clear legal or policy frameworks supporting reintegration. This has hardly changed from the 1980s when a review of return migrant workers to Asia and the Pacific concluded: "The governments [of Asia and the Pacific] ... have not developed any major policies or programmes for the reintegration of returning migrant workers" (ESCAP Secretariat, 1986, p. 136). In 2018, the AFML noted: "The presence of established reintegration programmes in ASEAN sending countries remains limited" (ILO, 2018a), with the possible exception of the Philippines. Even for the Philippines, Go (2012, p. 12) concludes that: "For the longest time, the Philippine reintegration services were the weakest component in the Government's overseas employment programme."

The regional guidelines on return and reintegration of the Employment Permit System of the Republic of Korea highlights "legislation, implementing orders or regulations that recognizes return migration of workers and establishes a delivery management system through an office, bureau, or secretariat with accompanying programmes and services" as an essential condition in origin countries (ILO, 2015a, p. 3).

c. Stagnant home economic situations

The economic and social situation in the home country has a major influence on return decisions. If the structural economic problems, unemployment, poverty, and conflicts that encouraged outmigration in the first place have not changed substantively, there is less incentive to return on the part of migrant workers and the diaspora, and the national labour market may not be able to absorb returning migrant workers. Reintegration policies and an individual's reintegration process greatly depend on the overall economic, political, and social circumstances of the country of origin. Research carried out by the IOM on return intentions of migrant workers from Cambodia, the Lao People's Democratic Republic, and Myanmar in Thailand substantiates this (IOM and ARCM, 2013; 2016; 2019). IOM finds Myanmar migrant workers were more keen to return to Myanmar, which is achieving higher economic growth, while most Cambodian workers and about half of Lao workers were reluctant to return to their countries, given lower employment and wage prospects.

d. Inadequate and ineffective employment services

The role of public employment services has declined in most countries, with private employment agencies dominating recruitment of workers and placement of workers abroad. However, these same agencies hardly play a role in local placements. There is limited assessment of labour market needs or job matching systems available for returnees in some countries.

e. Lack of information on available services and programmes

In ASEAN, there is no effective system of information dissemination about reintegration services, investment, and employment options. To be effective, this information should be provided in countries of destination through embassies before return. The respondents in a Cambodia return migrants survey mentioned the need for information on knowledge of how to run a business, investment opportunities, job information on available vacancies, and skills training relevant to local employment opportunities (Hatsukano, 2019).

f. Absence of provisions for skills certification and skills recognition

Most returning workers, including low-skilled workers, acquire new occupational and social skills while working abroad. Yet, there is no streamlined system for skills certification by employers in destination countries or by origin countries upon return. Reintegration is facilitated by skills recognition and by matching skills to labour market needs. Though ILO developed draft guidelines for skills recognition of returning workers in 2010, there seems to have been no follow up (ILO, 2010). There are, however, some promising initiatives in Cambodia and the Philippines. (See Section 6.1.4.)

g. Poor social protection coverage

While there has been some progress in social protection coverage in a few countries, migrant workers remain among the least protected in the ASEAN region (Olivier, 2018; 2019). This was indicated in a survey of 1,808 migrant workers in Cambodia, the Lao People's Democratic Republic, Myanmar, and Viet Nam, which found that only 28 per cent of migrant workers were covered by a public or private benefit scheme, such as social security, worker's compensation, or health insurance, on their return from destination countries Malaysia and Thailand (Harkins, Lindgren, and Suravoranon, 2017).

h. Lack of coordination and awareness among different ministries and agencies and key stakeholders

Responsibilities for return and reintegration may be spread across several ministries and agencies in both destination and origin countries. For example, in Indonesia, the Ministry of Manpower, Ministry of Social Affairs, Ministry of Foreign Affairs, Ministry of Women Empowerment and Child Protection, and the National Body for Placement and Protection Indonesia Migrant Workers (BNP2TKI) all share responsibilities in this regard. In addition, regional and local governments must also play a major role as migrants return to their communities. Such coordination is particularly important for returning migrant workers in irregular status. It is similarly important to raise awareness of the value of supporting the reintegration of returning migrant workers through capacity-building of local labour management agencies. For instance, in Viet Nam, there are currently regulations and reintegration policies for returning migrant workers, specifically Articles 59 and 60 of the Law on Vietnamese Workers working abroad under the contract. However, the implementation has not been implemented well, in part because local authorities do not prioritize returning migrant workers, who return with capital and knowledge, while there are persons believed to be struggling with more difficult circumstances, such as low-income households, people with disabilities, rural workers, etc.

Furthermore, government agencies need to coordinate and work with a broad range of partners consisting of employers' and workers' organizations, migrant worker associations, civil society organizations, community-based organizations, private recruitment agencies, and the private sector.

i. Stigmatization

Returnees may face stigma and discrimination in their own communities and families because of their failed migration experience, loss of family assets on return due to indebtedness, and forced return or removal from destination countries. Migrant women may experience additional stigma when their migration may be associated with sexual work and abuse (Rashid and Ashraf, 2018; Harkins, Lindgren, and Suravoranon, 2017; United Nations, 2018; BPRSO, 2019). These migrant workers may need psychosocial counselling and support to address and cope with their experiences.

j. Resource constraints

Resources are required to carry out return and reintegration activities, and also to arrange travel and support at the final destination. As Newland and Salant (2018, p. 11) observed: "Reintegration requires longer-term support and considerably more resources, and many countries of either origin or destination are unable or unwilling to provide this level of assistance." In certain circumstances, international development partners may also come forward to finance return and reintegration programmes (BPRSO, 2019).



CHAPTER 6

Good practices in return and reintegration

This section highlights some good practices from ASEAN and other countries based on the principles referenced in Chapter 5. In addition to those principles, innovativeness, effectiveness in addressing identified issues, sustainability, and possibility of replication have been considered in identifying good practices. The following examples are only meant to be illustrative, and the list is not comprehensive due to information gaps. More information is generally available on good practices related to returns involving irregular migration and trafficking (ILO, 2012; EMN, 2015).

6.1 ASEAN good practice examples

6.1.1 Reintegration provisions incorporated in national migration legislation and policy frameworks

A few examples of good practices in national migration legislation and policy frameworks are provided below.

a. Philippines

The 1995 Migrant Workers and Overseas Filipinos Act established return as a Philippines policy priority. The law spelled out services for return and reintegration and proposed the establishment of a Replacement and Monitoring Centre in the Department of Labor and Employment (DOLE) to facilitate the reintegration of migrant workers into Philippine society, to facilitate return to work, and to tap returnees' skills for nation building. The law also defined the role of the Overseas Workers Welfare Administration (OWWA) to provide social services for the welfare and protection of its overseas worker members and their families, including the reintegration of returning workers. The OWWA offers various services designed to make the reintegration process easier for returnees. Republic Act No. 10022 of 2010 provided for the establishment of a National Reintegration Center (discussed further below).

The 2016 Overseas Workers Welfare Administration Act (Republic Act No. 10801) declared the OWWA as a national government agency attached to the DOLE. It can now play a greater role in the reintegration of returning workers since it can access government funding in addition to migrant contributions.

b. Indonesia

According to Law 18/2017 on the Protection of Indonesian Migrant Workers, “the State is obligated to improve the entire protection system for Indonesian migrant workers and their families which reflects the values of humanity and dignity as a nation before, during, and after working” (Preamble (e)). Article 7 states that the protection of prospective migrant workers covers the full migration cycle, including return after employment. Articles 24–28 state various forms of post-employment protection, and Articles 39–42 define the roles and responsibilities of the Government, extending from village level up to the central government, in facilitating social and economic reintegration for returned migrant workers.

c. Cambodia

The 2014 National Labour Migration Policy Goal 16 states: “Productive return and reintegration of women and men migrant workers is enabled through evidence-based policy, and strengthened service provision for social and economic reintegration, including employment services, skills development and recognition, enterprise development training, and investment programmes” (MLVT, 2014, p. 10). Objective 3.3 of the latest Policy on Labour Migration for Cambodia 2019–2023 (still in draft form) reads: “Strengthen the effective return and reintegration mechanisms and services for all migrant workers” (MLVT, forthcoming).

6.1.2 Philippines: National Reintegration Center for OFWs

The National Reintegration Programme of the Philippines promotes the delivery of sustainable reintegration services to Overseas Filipino Worker (OFW) returnees “to maximize the gains of overseas employment, mitigate the social costs of migration and cushion the impact of forced repatriation due to unexpected events” (NRCO, n.d.). The programme has been institutionalized with the establishment of the National Reintegration Center for OFWs (NRCO) under the DOLE following Republic Act 10022 and its Implementing Rules and Regulations.

The clientele of the NRCO are: OFWs; returning workers (temporary or permanent); and families of returning OFWs. Its objectives are to provide a mechanism for their reintegration into Philippine society, serve as a promotion house for their local employment, and tap their skills and potential for national development. The NRCO’s activities fall under five areas:

- counseling;
- wage employment referral assistance;
- enterprise development;
- skills training and capability enhancement; and
- assistance to distressed OFWs (ILO, 2012).

In line with the above programmes, the DOLE has identified all agencies involved in reintegration. It also tries to ensure that the issue of return is incorporated in bilateral agreements.

The main partners of the NRCO are the OWWA, the Development Bank of the Philippines, the Land Bank of the Philippines, the Department of Trade and Industry, and the Technical Education and Skills Development Authority (TESDA). Under the 2016 OWWA Act, the NRCO has been brought under the OWWA for policy and programme coordination. The NRCO collaborates with the overseas network of Philippines Overseas Labour Offices (POLOs) and embassies and consulates to provide reintegration support onsite. Box 2 provides selected interventions and projects of the NRCO.

Box 2

Selected interventions/projects of the NCRO

Livelihood Development Assistance Program

A livelihood grant intervention intended to bring about improved socio-economic well-being of undocumented OFWs.

Balik Pinay! Balik Hanapbuhay! (Special Program for Returning Women Migrant Workers)

A training-cum-production/employment intervention intended to bring about improved socio-economic well-being of women returning OFWs

Balik Pinas! Balik Hanapbuhay!

Package of livelihood support/assistance intended to provide immediate relief to returning member-OFWs (distressed/displaced) amounting to a maximum PHP20,000 as start-up or additional capital for a livelihood project.

Enterprise Development and Loan Program

A loan facility in partnership with the Land Bank of the Philippines and the Development Bank of the Philippines with business loans amounting to PHP100,000 up to a maximum of PHP2 million for individual borrowers and up to a maximum of PHP5 million for group borrowers.

Sa 'Pinas, Ikaw Ang Ma'am/Sir

The programme aims to gain back the Filipino workers overseas, particularly OFWs who have passed the Licensure Examination for Teachers and reverse out migration by enhancing their skills and providing them with the option to stay in the Philippines to work as public-school teachers.

Source: Martin, 2019.

6.1.3 Indonesia: Productive Migrant Workers Village⁷

The Productive Migrant Workers Village (Desmigratif) is a safe labour migration programme launched by the Indonesian Ministry of Manpower. It targets the home villages of migrant workers to improve services for prospective migrants, migrant families, and returned workers. The programme is a follow-up to Law 18/2017 on the Protection of Indonesian Migrant Workers, which prescribed decentralization of migrant services down to the village government level. Its aim is to ensure safe migration and improve economic opportunities for former migrants, their families, and prospective migrants. The Migrant Village has four functions:

- Information service through establishment of a Migrant Service Centre. The centre disseminates information directly to prospective migrants on: official placement procedures; labour market; vocational guidance; and potential problems in destination countries. It also collects data on returnees and provides advice to return migrants and their families on options for remigration;
- Developing productive business enterprises for the families of migrant workers and returned migrant workers through skills training and business assistance for migrant workers;
- Conducting community parenting; and
- Facilitating the development of cooperatives to strengthen village-owned business enterprises.

⁷ ASEAN, 2017b; Damastuiti, 2019; Rahayu, 2018; World Bank, 2019.

An important good practice is collaboration and synergy with various local level government offices, such as: the Office of Industry and Trade; Office of Archives and Regional Libraries; Office of Communication and Informatics; and the Office for Women Empowerment and Child Protection. There is also collaboration with a private company for financial literacy training. The Productive Migrant Workers Village programme is funded by the national government, local government budgets, and private sector programme partners. Due to budget constraints of the Ministry of Manpower, the programme operates in a limited number of villages, but the number has been expanding: 2017 – 120 migrant villages; 2018 – 130 migrant villages; and 2019 – 150 migrant villages. Monitoring and evaluation are done in a decentralized manner with the village head reporting to the Ministry of Manpower.

6.1.4 Skills certification and recognition of prior learning⁸

a. Philippines: TESDA Online Assessment Programme

The Philippines Technical Education and Skills Development Authority (TESDA) Onsite Assessment Program (TOAP), institutionalized in 2015, aims to provide opportunity for OFWs to acquire TESDA/government-issued certification or recognition (National Certificates or Certificate of Competencies) of the level of their technical skills and knowledge. The aim is to enable OFWs to retain and improve their livelihood and careers, whether as employees or as entrepreneurs, through the programme's certifications. The benefits of the TOAP include:

- targeting migrant workers in vulnerable occupations, such as domestic workers;
- providing migrant workers with the opportunity to undergo an assessment and certification process and secure a certificate in the country of destination through TOAP visiting teams; and
- forging partnerships and collaboration with Filipino organizations and training providers in destination countries to reach more workers to secure skills recognition.

A total of 2,681 OFWs have benefitted from TOAP as of December 2018. The TESDA team has visited POLOs in six overseas locations (Hong Kong (China); Kuwait; Jeddah, Saudi Arabia; Riyadh, Saudi Arabia; Singapore; and the United Arab Emirates), and plans to extend it to Jordan, Malaysia, and Qatar.

TOAP faces challenges and logistical problems since each destination country has a distinct environment with varying access to accredited assessors, tools and equipment, and supplies of materials to be used for the actual assessment, as well as limited space/facilities for assessment. Filipino workers also can schedule appointments only on their off days, usually weekends.

TESDA is pushing for the accreditation of local Filipino training providers, training and accreditation of assessors in the host countries, and maintaining close linkages with POLOs and Filipino organizations and institutions that provide training.

b. Cambodia: Recognition of prior learning and skill certification

The ILO is working with the National Committee for Tourism Professionals (NCTP) of Cambodia in implementing a pilot project on a recognition of prior learning (RPL) assessment on housekeeping for the Common ASEAN Tourism Curriculum Certificate II (Level 1) for returning domestic migrant workers.⁹ Other implementing partners are the Ministry of Tourism, the Association of Cambodian Recruitment Agency, and the Manpower Association of Cambodia. The pilot project will also allow returning migrants with some experience in the tourism sector to get their acquired skills recognized.

Through the ILO–NCTP joint collaborative programme, the NCTP now has more than 500 national trainers and assessors. Through capacity building of trainers and assessors, the NCTP and hotels have conducted RPL assessment of about 2,000 hotel staff/workers, which have been recognized and certified as tourism professionals in line with the Cambodian and ASEAN Qualification Frameworks. In 2019, the ILO has continued to support the NCTP on the development of apprenticeship training manuals, pilot apprenticeship training courses on hotel services, and extending RPL assessment to returning migrant workers, potential migrant workers, and workers working in hotel services in Cambodia.

⁸ Arayata, 2018.

⁹ Information provided by ILO TRIANGLE in ASEAN.

Another innovative practice from Cambodia is the responsibility accorded to private recruitment agencies regarding skills certification of returning migrant workers. According to Article 9 of *Prakas*¹⁰ No. 252 on the services of private recruitment agency in the workplace and repatriation (2013), when a returning migrant worker arrives in Cambodia, the private recruitment agency shall arrange for and coordinate with the worker to obtain a certificate for recognition of work in the country of destination, which is to be issued by the Ministry of Labour and Vocational Training. There is, however, no information on enforcement or whether migrant workers have actually benefitted from this regulation.

c. Singapore: NGO training and certification for migrant workers

In Singapore, several non-governmental organizations (NGOs) provide flexible empowerment training courses and certification primarily for migrant domestic workers.

- The Centre for Domestic Employees initiated an Assessment-Only-Pathway skills certification framework in 2019 for migrant domestic workers to help ensure that migrant domestic workers can perform their duties effectively upon deployment. It also enhances the employability of migrant domestic workers who have undergone the assessment framework.
- The Foreign Domestic Worker Association for Social Support and Training (FAST) was established in 2005 as a non-profit organisation to enhance social support for migrant domestic workers working in Singapore. Over the years, FAST has made significant contributions in this area by training and upskilling more than 25,000 migrant domestic workers annually in areas such as culinary, hairdressing, infant and elder care, computer literacy and entrepreneurship.
- The Home Academy was established in 2010 by the Humanitarian Organization for Migration Economics in Singapore to provide vocational training to all migrant domestic workers. It offers courses covering English, computer literacy, cooking, baking, caregiving, dressmaking, cosmetology, and financial management. The aim is to foster economic empowerment and entrepreneurship among women migrants.¹¹
- The Singapore NGO Aidha offers courses in money management, communication, computer skills, and entrepreneurship to help foreign domestic workers and low-income Singaporean women achieve economic independence through financial education, wealth creation, and entrepreneurship. Those trained have started their own business and increased their savings and assets on return.¹²
- Archdiocesan Commission for the Pastoral Care of Migrants & Itinerant People (ACMI) Singapore conducts Sunday courses for foreign domestic workers in several subjects, including English language, computer skills, cooking, hairdressing, and dressmaking (ACMI, 2019).¹³

6.2 Good practice examples from beyond ASEAN – International examples

6.2.1 Republic of Korea: The Happy Return Programme of the Employment Permit System

In Asia, the Republic of Korea incorporated the Happy Return Programme in 2009 as part of its Employment Permit System (EPS) to discourage overstaying. The programme is a good practice because most Asian agreements/memorandums of understanding (MOUs) with Gulf Cooperation Council countries only refer to return after termination of contracts, or repatriation due to violation of contract terms or being a threat to public security. With the Happy Return Programme, in preparation for their return home, migrant workers can participate in: vocational training; pre-return recruitment services, such as assistance in applying for jobs in Korean companies located in the worker's home country; and administrative support for insurance benefit claims, such as departure guarantee insurance. It aims to help workers reintegrate well into their home countries and to continue using their newly acquired skills.

¹⁰ A *prakas* is a regulation issued at the ministerial level.

¹¹ For more, see: <https://www.home.org.sg/home-academy-1>.

¹² For more, see: <https://www.aidha.org/>

¹³ For more, see: <http://www.acmi.org.sg/sunday-courses/>.

There are several good features of the Happy Return Programme:¹⁴

- It recognizes that successful reintegration is a shared responsibility between the origin country and the Korean EPS.
- Vocational skills provided before return are not confined to the current work of the workers. Training is provided in the following areas: Korean language interpretation; motor vehicle maintenance; excavator operation; Korean cooking; baking; computer application; computer graphics; welding (electric, special, pipe); nail art; skincare; masonry; tiling; flower arrangement; and personal computer maintenance (HRD Korea, 2012).
- Training in the Republic of Korea covers vocational skills, pre-return recruitment services, and administrative support, such as with insurance claims.
- Support in linking to jobs in the home country is provided through job matching and job fairs. Migrants are also given customized training upon return so that they can join Korean firms or others. Informational lectures are also given by returnees who have settled down successfully. Such opportunities are especially available in Cambodia, Indonesia, Mongolia, the Philippines, and Viet Nam, where Republic of Korea companies have a strong presence.
- The courses are fully funded by the Republic of Korea government, including fees.
- Certificates are issued for work experience gained.
- At overseas EPS offices of Human Resources Development Services of Korea, community networking services are provided for returnees, where they can access information about the Republic of Korea after returning to their home country.

A review of the EPS has pointed out the broader implications of the Happy Return Programme beyond “meeting the immediate concerns of domestic labour trends into the domains of migration and development. This opens the potential for the EPS to also serve as a vehicle for regional co-development and as the intersection of Korea’s labour migration and foreign development aid policies” (Kim, 2015, p. 19). The programme is currently only for documented workers. It would be good also to include undocumented workers in the programme, given their greater need for assistance.

Some workers, however, have expressed concerns that these training sessions take place on Sundays, which is their only day off, or they occur during workdays when they cannot attend (Cho et al., 2018). The next section below discusses regional guidelines on the return and reintegration of migrant workers participating in the EPS.

6.2.2 Republic of Korea: Regional guidelines on the return and reintegration of migrant workers participating in the EPS

The purpose of these guidelines, which were developed through the ILO-Korea Partnership Programme in 2015, is to establish a framework for EPS origin countries on policy responses, institutional mechanisms, and programmes or services required for the successful return and reintegration of migrant workers.

The Guidelines cover the full temporary migration cycle of pre-departure, employment abroad, and return and reintegration. It calls for a national coordinating office in the origin country to be established as a precondition for overseeing the successful return and reintegration of workers. The Guidelines highlight the importance of maintaining databases of EPS workers throughout the migration cycle.

The Guidelines are organized under pre-departure, onsite support, before return to the country of origin, and return. An interesting feature is that future options upon return (starting businesses, savings and investments, etc.) are covered from the pre-departure orientation phase.

Origin country embassies are expected to play a major role during employment abroad in preparing workers for return by providing supplementary training on business and livelihood before return to country of origin. The Guidelines also promote the engagement of the network of government offices, the local community and its leaders, financial intermediaries, and NGOs to create a network of support for the returning workers.

¹⁴ Updated information on the programme is not available on the EPS website.

In the Guidelines, the technical vocational government agency of the country of origin is responsible for free online competency assessments and certifications to reflect the skills of workers in the EPS and to prepare them for acquisition of better jobs upon their return.

While the Guidelines refer to regional guidelines, they cover countries spread over Central, East, South, and South-East Asia. No information is available on the use of these Guidelines by EPS countries or who is responsible for monitoring the implementation of the Guidelines. It is also questionable whether the embassies of origin countries have the capacities to fulfil the roles expected of them in the destination country.

6.2.3 Sri Lanka: Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers

The National Labour Migration Policy 2008 of Sri Lanka provided the necessary direction for the Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers (NAPRR). The NAPRR was adopted by Ministry of Foreign Employment in December 2015 (MFE, 2015). A survey of returnees and an assessment of their needs was undertaken with ILO support before developing the policy. The policy and the action plan are also based on lessons drawn from a pilot reintegration programme supported by the ILO.

The sub-policy framework covers five areas:

1. social reintegration of returnees;
2. economic reintegration of returnees;
3. physical and psychological well-being of returnees and their family members;
4. civil and political empowerment of migrant returnees; and
5. effective management of return and reintegration process.

Good provisions relate to its comprehensive approach and to the process of developing the policy and action plan, which involved prior research on returned workers, piloting initiatives and drawing lessons, and stakeholder consultations.

The implementing agency, the Sri Lanka Bureau of Foreign Employment (SLBFE), has established a separate reintegration unit, as indicated in the sub-policy. A review and gap analysis undertaken in 2018 highlighted several issues. There was a lack of coordination among key ministries and agencies responsible, and between the SLBFE and divisional level actors. It recommended that the SLBFE reintegration unit should to be strengthened to coordinate with relevant sectoral ministries and departments and to enter into agreements with other relevant institutions. The weakest point in the implementation of the NAPRR is the non-establishment of the steering committee mechanism. There is no government mechanism at the local level to engage civil society organizations and trade unions in the process of reintegration of returnees (ILO, 2018c; 2018d).

6.2.4 Databases of returnees through surveys and assessments of their needs

Few countries have monitoring programmes for their returning workers. Therefore, information generation on returns through surveys and other methods can be a very useful service in identifying and targeting services to return workers. In all data collection exercises, it is important to respect the privacy of the workers and confidentiality of the data gathered.

a. The European University Institute

The European University Institute, Florence, engaged in pioneering research work on the return of migrants to Maghreb countries (Algeria, Morocco, and Tunisia) from December 2005 to December 2008. The main objective of the project was to understand the challenges linked to return migration and its impact on development. A full set of analytical tools was produced to shed light on the socio-demographic characteristics, conditions, and patterns of reintegration of return migrants to the Maghreb countries. This has been followed by the Return Migration and Development Platform, combining a top-down with a bottom-up approach to return migration and reintegration. It is a platform for exchanges and knowledge-sharing about return migrants' realities. The study adopted a largely qualitative approach, gathering documentation and feedback from key stakeholders and other sources on

current reintegration practices, and drew on 31 comparative country profiles and 17 case studies. Another good feature is that all the data generated is available in the public domain.¹⁵

b. Survey of returning Bangladeshi migrant workers

A 2013 survey of returning Bangladeshi migrant workers – a collaborative initiative of the Ministry of Expatriates' Welfare and Overseas Employment, the Bangladesh Institute of Labour Studies, and the ILO – provided valuable information on migrant return issues (Ahmed et. al., 2015). The survey, supported by an ILO-Swiss Agency for Development and Cooperation-funded project, was designed to improve understanding of the scope and nature of return migration. The survey also analysed skills and entrepreneurship demand in the domestic economy with a view to effectively reintegrating workers into the labour market. It engaged with 1,200 returning migrant workers, including 272 women migrants at the airports, supplemented by in-depth interviews with 85 returned workers (ILO, 2015b).

A very good outcome of this study is the initiative by the Bangladesh Employers' Federation to establish Help Desk Bangladesh with the objective of supporting returnees back into economic activity. It also developed a user-friendly guide on how returnees can find jobs or go into self-employment (BEF, 2015).

6.2.5 Ecuador: Plan Bienvenid@s a Casa: Por un regreso voluntario, digno y sostenible (Welcome Home Programme for a voluntary, dignified and sustainable return)

In 2007, Ecuadorian President Rafael Correa's administration began a broad-based campaign to reach out to Ecuadorians overseas, or the "fifth region" as the diaspora was called. The Plan Bienvenid@s a Casa (Welcome Home Programme) was implemented by the Secretaría Nacional del Migrante (SENAMI, or National Migration Secretariat), now replaced by the Ministry of Human Mobility, and it has encouraged return migration for families by helping with their transition in the form of one-way airplane tickets, duty-free facilities for their belongings, employment assistance, and start-up funds for certain productive investments. The programme marked "a significant departure from previous administrations in focusing on the diaspora" and through its aggressive promotion of the programme (Dolnickdec, 2010).

The Welcome Home Programme consists of three initiatives:

1. Vínculos (Links programme);
2. Programa de incentivos productivos (Incentives and Orientation programme); and
3. Volver a Casa (Return Home programme).

The Vínculos programme sets up virtual social networking platforms for emigrants from Ecuador to facilitate communication with their families and communities. It also establishes Casas del Ecuador (Centres for Ecuadorians) abroad in cities with large populations from Ecuador, offering information on services by the Government for migrants both abroad and upon return. The Programa de incentivos productivos enables migrants to generate social and productive investments through small loans and technical assistance. The Volver a Casa programme coordinates support to return migrants from more than 30 governmental institutions' registration services before departure from destination countries and facilitates certification and recognition of academic and professional certifications acquired abroad, access to housing credits, and vocational training (Martinez, 2015).

An evaluation found the capacity of the staff at SENAMI, non-cooperation from some returnees who only wanted benefits, and a lack of a proper follow-up as areas for improvement. Moreover, the evaluation found that the outreach of the programme was limited. Only 9,000 Ecuadorian migrants returning from Spain had been supported under SENAMI, but the total estimated returns from Spain during the period was close to 77,000.

6.2.6 Mexico: Somos Mexicanos (We are Mexican)

The Somos Mexicanos programme represents the first national attempt to promote reintegration of return migrants with a multi-pronged approach coordinating the activities of major stakeholders, NGOs, the private sector, and concerned government agencies. It provides post-arrival services in four pilot cities to help Mexican returnees to reintegrate and use their acquired skills.

¹⁵ Data are freely accessible from the EUI ResData Repository: <http://euiresdata.eui.eu/xmlui/handle/123456789/27> (link provided by Jean-Pierre Cassarino).

It provides access to identification papers, certification of qualifications and experience abroad, skills re-training, health benefits, and information on jobs. An online job bank is meant to serve as a platform to match the recorded profiles and skills of jobseekers with potential employers. The programme also provides information on investment opportunities. The Somos Mexicanos strategy is made up of a national coordination office, as well as 32 state links throughout the country.

One drawback of Somos Mexicanos is that the programme applies only to migrants who returned through repatriation centres, and these migrants are only a minority of those returning to Mexico. Most returning migrants are deportees due to their undocumented status in the United States, and some may attempt to migrate again (Flannery, 2014).

The launching of Programa Especial de Migración (Special Migration Program) 2014–2018 and the Programa de Atención a Migrantes Retornados (Return Migrants Assistance Program) have reinforced the reintegration programme under Somos Mexicanos. Objective 4 of the Special Migration Programme is: “Promote the integration and reintegration processes of migrants and their families.” The synergy of these different programmes is another good feature.

The current large inflows of Central Americans passing through Mexico and bound for the United States amid highly restrictive US policies against immigration, as well as the continuing return of Mexican citizens, pose challenges for Mexico (Dominguez-Villegas, 2019).

6.2.7 Cabo Verde: Country of Origin Migrant Support Centre (CAMPO)¹⁶

CAMPO started as a technical cooperation project that promoted regular mobility between Cabo Verde and the European Union (EU) through a mobility partnership. It provides free counseling services to persons from Cabo Verde planning to migrate to the EU, particularly Portugal. It also provides reintegration information to returning Cabo Verdean migrants from the EU. The project informs potential returning migrants about investment opportunities, the legal steps to start a business, fiscal incentives and taxes, labour laws, social assistance, access to credit, and other information. It also promotes the use of migrants' competencies and savings back in Cabo Verde.

An innovative feature is the incorporation of the CAMPO migrant support centres into the regular overseas labour administration of Cabo Verde at the end of the technical cooperation project, thus ensuring sustainability. With the recent increasing returns of nationals from Europe, Cabo Verde has placed more emphasis on reintegration and engaging the return diaspora for development. With renewed support under the EU mobility partnership project and Portuguese and Spanish development cooperation, CAMPO is being upgraded to support regular emigration and to facilitate reintegration into the labour market of nationals returning home from EU countries. This project is implemented by the Portuguese Institute for Development Assistance, together with the Cabo Verde's Institute of Employment and Vocational Training, the Institute of Communities, and the High Commissariat for Immigration and Intercultural Dialogue, and with the IOM as a partner.

Under the project, a manual has been produced for the socio-professional reintegration of Cabo Verdeans returning from the Netherlands. This user-friendly manual provides advice on various steps in return and reintegration in Cabo Verde. It provides information on the current economic and social context of Cabo Verde, vocational training programmes, the job search, and business creation with a view to enabling Cabo Verdean nationals to increase their chances of a successful return back to their country of origin. It is divided into three sections: preparing the return from the Netherlands; socio-professional reintegration in Cabo Verde; and contacts in the Netherlands and in Cabo Verde.

6.2.8 Ethiopia: Reintegration support and the National Reintegration Directive

Ethiopia presents a case where an origin country has been grappling with increased returns of migrants, mainly as a result of mass deportations of nationals from abroad, especially from Saudi Arabia with 163,000 forcibly returned between November 2013 and March 2014. Ethiopian migrants are also returning voluntarily or forced to Ethiopia from other parts of the world. This poses serious challenges for reintegration as Ethiopian returnees are often in situations of vulnerability. The Ethiopian example of reintegration is interesting in that it proceeds with a series of steps to address the problem.

¹⁶ IOM, n.d.; Suh and Rodrigues, n.d.

First, the ILO and the Ministry of Labour and Social Affairs of Ethiopia launched the project “Support to the Reintegration of Returnees in Ethiopia” following the mass deportations from Saudi Arabia. The project combines:

- psychosocial support;
- intensive awareness campaigns through diverse media and NGOs;
- economic empowerment of returnees, through training in entrepreneurship, financial literacy, vocational skills, and business development services;
- placement in wage employment through private sector partnerships;
- developing standardized training modules with local vocational training institutes for delivery of training;
- access to finance through revolving funds; and
- building the capacity of national providers for reintegration.

The project reached large numbers of beneficiaries under each objective (ILO, 2019a).

Second, a review was undertaken through a background report to map the existing policies, processes, and stakeholders involved in reintegration interventions, and to analyse the opportunities and gaps in the current system and make recommendations. Recognizing the need to strengthen reintegration support services provision in Ethiopia, the ILO supported the development of a Reintegration Package that outlines systems, programmes, and activities that need to be put in place to support successful reintegration of returnees. It is meant to serve as a practical guide for the Government of Ethiopia and other stakeholders to develop programmes in support of the successful reintegration of returnees, and was validated through consultations (Kuschminder and Guay, 2018).

Third, the Government issued a Reintegration Directive oriented to victim returnees based on the above Reintegration Package. The Directive, endorsed at the ministerial level in September 2018, is a legal document to reinforce the use of common methods and approaches in the reintegration of returnees at the national level under the coordination of the Federal Urban Job Creation and Food Security Agency. This directive provides a legal basis and practical guide for the Government of Ethiopia and other stakeholders engaged in the reintegration of returnees in Ethiopia (Kuschminder and Guay, 2017; 2018; ILO, 2019a; 2019b). While Ethiopian programmes have been developed in the context of forced returns and deportations, the comprehensive approach to the issue is a noteworthy feature.

6.2.9 Portugal: Regressar (Return) scheme¹⁷

Recently, Portugal’s government has reaffirmed that the country welcomes with “open arms” all emigrants “of all generations and of all social classes” (The Portugal News, 2019). A good feature is the inclusiveness of the measure; the new programme wants people to return even if they are not highly skilled or well-paid. Extra resources and staff for consulates and consular protection are provided to Portuguese nationals at risk abroad.

The factors that have triggered this new policy are: demographic crises of population ageing and population decline; huge outflows of qualified youths during economic crisis; and the rising demand for workers by industries.

The Regressar (Return) scheme offers former residents who have lived abroad for at least three years incentives to move back in the form of halving of income tax for five years, and cash to help with relocation for those taking up jobs. Those searching for jobs while still abroad can sign on with the Portuguese employment office. It combines a “new vision” for the diaspora to contribute to Portugal’s economic and social development through assigning of public utility status to Portuguese chambers of commerce abroad, the creation of the Diaspora Investor Support Office (GAID), and publishing a Tax guide for communities. The Regressar scheme has attracted interest. As of mid-2019, about 1,700 people residing in 72 countries have registered on an accompanying online portal designed for people looking for work before they return.

¹⁷ Elliot, 2019; The Portugal News, 2019; The Economist, 2019.



CHAPTER 7

Observations on the way forward

Several recommendations were previously elaborated in Chapter 4 on general principles. Some of the following recommendations are complementary to those. The recommendations relate to policy frameworks, migration process, partnerships and cooperation, and cross-cutting issues.

Effective return and reintegration preparedness starts from the pre-migration phase and covers the entire migration cycle.

As demonstrated, it is the pre-departure phase that critically determines the terms and conditions of work abroad for temporary migrant workers. First, fair recruitment ensures workers leave with no debt burdens. Second, proper briefing on working and living abroad, financial literacy programmes, and awareness creation of their rights and obligations and return preparedness serve to prepare and empower migrant workers for employment abroad. Finally, arrangements for return with dignity and justice are essential elements for successful reintegration. Therefore, origin countries need to streamline the pre-departure process, and work with destination countries to ensure decent working and living conditions of their workers and to ensure their dignified return.

Cooperation between origin and destination countries extends throughout the migration cycle to promote sustainable return and reintegration.

The shared responsibility of countries of origin and destination has been highlighted in ASEAN instruments. Current practices, however, seem to emphasize mandatory returns upon completion of contracts without any support mechanisms to prepare migrants for reintegration. Portability of social security benefits, certification of skills, and mechanisms for claiming unpaid wages and health benefits after return to the home country are some areas where countries of destination may be able to assist. Current bilateral agreements and MOUs generally lack any references to reintegration. The Employment Permit System of the Republic of Korea offers good practices in this respect with its Happy Return Programme. Some of these measures can be implemented at the ASEAN-level based on existing frameworks.

Origin countries develop comprehensive reintegration policies for returned migrant workers and their families within the frameworks of national economic, employment, and migration policies.

Return and reintegration policies should be coordinated with existing economic, employment, labour market, and labour migration policies in countries of origin to ensure policy coherence. Reintegration policies are a subset of overall migration policies. As Battistella (2018, p. 26) observed: "The best return migration policies might not be those targeting the returning migrants, but overall policies creating an environment that returning migrants can properly utilize."

Development of comprehensive reintegration policies is in line with Article 26 of the ASEAN Consensus, which calls on countries of origin to develop comprehensive reintegration programmes for returning workers and their families. The ASEAN Consensus further urges countries to prepare an employment programme for returned migrant workers that takes into account skills obtained overseas. There is now a growing body of information and knowledge available on the principles and components of reintegration policies and strategies, including for distressed returnees. Reintegration policies need to be accompanied by action plans based on short-, medium-, and long-term reintegration actions, and related monitoring and evaluation mechanisms.

Reintegration policies and programmes are based on broad-based consultative and participatory processes.

The key stakeholders – governments of destination and origin countries, local governments in origin countries, social partners (trade unions and employers' organizations), migrant worker associations, local communities, civil society organizations, recruitment agencies, and diaspora communities – are essential partners in planning reintegration programmes and projects and in ensuring their effectiveness and sustainability. Partnerships between the private sector, the diaspora, and the public sector need to be promoted to address resource constraints.

Reintegration measures address the diverse needs of returnees.

While many countries promote entrepreneurship among returnees, some returnees may neither have the motivation nor capacity to become entrepreneurs. The high rate of failures of such business enterprises is also well-documented. Returning workers should be offered a range of options beyond entrepreneurship, including labour market opportunities, investment options through various financial instruments, and rehabilitation programmes, among others. Some returnees may need reintegration measures relating to social, psychosocial, and health needs.

Gender is mainstreamed in all reintegration policies and programmes.

Given that women may form a high share of returnees and face different options and challenges, policies should address their specific needs. Reception services and safe housing upon return must be arranged as needed. Support must be based on women returnees' profiles and migration experiences. Compared to their male counterparts, women returnees may face problems in access to information, reintegration services, obtaining bank loans and credit, and accessing public employment services for labour market insertion. Special studies should be launched to assess reintegration issues faced by women workers. All stakeholders should carry out awareness programmes to combat stigma attached to women's overseas employment. Associations of female migrant workers and cooperatives may be formed and promoted for peer support and counselling. Good practice example such as the "Balik Pinay! Balik Hanapbuhay!" (Special Program for Returning Women Migrant Workers) of the Philippines could be adapted in other countries. Good gender representation in institutions promoting reintegration services is also needed.

Information and data are collected on the profile of return and reintegration situations in ASEAN Member States.

Lack of good data and information is a significant issue in planning, implementing, and monitoring return migration and reintegration and the formulation of policies. This review has highlighted the lack of basic information on return and reintegration status in ASEAN countries. It is, therefore, important for countries to monitor return migration and to build good databases. A quantitative database is only the entry point. It is necessary to supplement such data with periodic systematic surveys that would generate useful qualitative information on the profiles, experiences, and perspectives of returned workers. Policy-makers in both origin and destination countries need to improve the collection and analysis of sex- and age-disaggregated return migration data

and share as needed. At all times, such data collection exercises should respect the privacy of migrant workers and confidentiality of data gathered.

Social protection coverage is provided for all migrant workers including returned workers.

Migrant workers are found to be among the least protected in relation to social protection coverage and its portability. Returned migrant workers and their family members should be provided with access to social protection (including health care) in line with available national systems. Where existing systems do not cover this group, development of alternative systems of social protection and health insurance should be given attention. Where possible, collaboration of destination countries should be sought to recover social security contributions migrant workers made in those countries. Social protection for migrant workers should be ensured throughout the migration cycle through collaboration between countries of origin and countries of destination. Where destination country laws may not adequately provide for social protection, countries of origin may adopt unilateral measures to fill in the gaps. Both countries of destination and countries of origin should give priority to enhancing the coverage. The commitments in the ASEAN Declaration on Strengthening Social Protection and the related Regional Framework and Action Plan should be respected and implemented. The projects and activities included in the 2016–2020 Work Plan of the ACMW to promote the social protection of migrant workers should be implemented on a priority basis. Olivier (2019) has highlighted the clear need for a dedicated standard-setting instrument that will provide a framework for the social protection of migrant workers in ASEAN.

Capacity-building needs of stakeholders are addressed to support reintegration efforts.

There are a number of stakeholders involved in and relevant for integration efforts. Implementing agencies and staff of both government and non-government sectors need training in general and on specific aspects of the reintegration process. Awareness-raising and capacity-building should aim to improve stakeholders' understanding of the importance of the reintegration of returning migrant workers. Assistance may be sought from competent local agencies and international development partners for this purpose. The United Nations Network to support the Global Compact for Safe, Orderly and Regular Migration has a capacity-building mechanism and a start-up fund to assist countries in achieving the Compact's migration objectives where reintegration also features.¹⁸

Development and decent work opportunities are provided at home.

Labour migration cannot be a long-term solution to vast employment problems faced by some ASEAN origin countries. Policies should, therefore, focus on promoting national economic and social development, and achieve high growth so that migration eventually can be a choice – and not a need – for their citizens. This may not be achievable in the short- or medium-term for many origin countries. According to the ASEAN Consensus, Sending States are obligated to: “Ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of workers” (ASEAN, 2017a, p. 42). The 2030 Agenda for Sustainable Development and its goals present important options for countries. The Global Compact for Safe, Orderly and Regular Migration has as its Objective 2: “Minimize the adverse drivers and structural factors that compel people to leave their country of origin” (UN General Assembly, 2018, p. 5).

Opportunities for migrant workers to seek overseas employment legally are expanded.

It is well documented that the absence of regular and legal avenues for migration may result in migrants seeking irregular methods of migration (United Nations, 2017). Therefore, ASEAN destination countries could open up more legal, regular pathways and make them more accessible for migrant workers in line with their labour market needs. Objective 5 of the Global Compact for Safe, Orderly and Regular Migration calls for States to: “enhance availability and flexibility of pathways for regular migration” (UN General Assembly, 2018, pp. 11–12). The actionable point 5(d) states: “Develop flexible, rights-based and gender-responsive labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels” (UN General Assembly, 2018, p. 12).

¹⁸ The Start-up Fund for Safe, Orderly and Regular Migration, the first financing instrument of its kind, also referred to as Migration Multi-Partner Trust Fund, is expected to help to jumpstart projects and foster greater cooperation in pursuit of well-managed migration policies. Please see UN establishes pioneering trust fund for cooperation on safe, orderly and regular migration: <https://www.un.org/development/desa/en/news/population/trust-fund-for-migration.html>.

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Appendices

Appendix I. ASEAN Forum on Migrant Labour (AFML) Recommendations on return and reintegration

AFML	Recommendation No.	Recommendation
4th	7	Improve the availability of employment services to the returned migrant workers , including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/ translation service. These services should be made available/extended to the family members of migrant workers left behind.
4th	8	Provide incentives to the returned migrant workers , e.g., the absence of penalty for the irregular migrants; tax exemption of import duties for tools and equipment to be used by migrant workers.
4th	9	Ensure as much as possible that mass/group deportation will not take place .
4th	10	In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/contingency funds which cover repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organizations.
4th	11	Ensure that sustainable economic reintegration policies and strategies are evidence-based, market-demanded, need-based and gender-sensitive.
4th	12	Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organizations.
4th	14	Set up of ASEAN Guidelines on Effective Return and Reintegration .
4th	17	Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers: <u>(a) Responsibilities of sending countries:</u> <ul style="list-style-type: none"> • Policies and strategies should be established to look after the return of migrant workers, e.g., "State Policy on the Reintegration of Migrant Workers"; • Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and • Follow up/monitoring system of the returnees, particularly on their livelihood and reintegration.

(b) Responsibilities of receiving countries:

- Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g., training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;
- Provision of **proof of employment by the employers**; and
- Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards.

5th	20	Encourage the recognition of the skills of migrant workers through certification/ testimonial of employment, including employment history, experiences, skills and language, by employers and other entities where applicable.
6th	18	Ensure adequate arrangements in case of return and repatriation to be shouldered by the employers.
7th	8	Referral systems between countries of origin and destination should be set up and function well, and assistance of the embassies should be provided to ensure compensations and benefits are duly paid to migrant workers in a timely manner, even after returning to their countries of origin, including health care and treatment for long-term effects of occupational injuries and diseases. A regional study be undertaken with all stakeholders to explore challenges and policy gaps of reintegrating migrant workers with disabilities upon their return to their countries of origin.
7th	18	Support programmes, including job counselling, market-oriented skills development, and/or entrepreneurship training , should be provided for returning migrant workers, and documentation of acquired competencies and experiences provided by employers should be introduced where feasible to support better career opportunities of men and women migrant workers in their countries of origin.
11th	1	Digitalise , where appropriate, the recruitment, placement, employment, and return and reintegration processes , such as providing one-stop digital platforms and e-documentation, to support easier, more efficient, less costly and transparent labour migration.

Appendix II. International instruments and other global documents relevant to return and reintegration

1. Universal Declaration of Human Rights

Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

2. ILO Migration for Employment Recommendation (Revised), 1949 (No. 86)

Section VII:

20. When migrants for employment or members of their families who have retained the nationality of their State of origin return there, that country should admit such persons to the benefit of any measures in force for the granting of poor relief and unemployment relief, and for promoting the re-employment of the unemployed, by exempting them from the obligation to comply with any condition as to previous residence or employment in the country or place.

3. International Convention on the Protection of the Rights of All Migrant Workers and Their Families

Article 67:

1. States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.
2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.

4. ILO Multilateral Framework on Labour Migration (ILO, 2006)

Principle 12. An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.

Guideline 12.2. Wherever possible facilitate migrant workers' return by providing information, training, and assistance prior to their departure and on arrival in their home country concerning the return process, the journey and reintegration.

5. The United Nations 2030 Agenda for Sustainable Development document calls for: "Underline the right of migrants to return to their country of citizenship and recall that States must ensure that their returning nationals are duly received" (United Nations, 2015, p. 12).

6. The Global Compact for Safe, Orderly and Regular Migration

Objective 21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration (United Nations General Assembly, 2018, p. 29).



Effective return and reintegration of migrant workers with special focus on ASEAN Member States

The return and reintegration of migrant workers back to their home countries marks the end of their migration cycle. While extensive work has been done on ensuring effective migration laws and policies, pre-departure training, and research on working conditions when abroad, there is little work done around the return and reintegration of migrants. This phase of the migration cycle has even been described as the 'unwritten chapter in the history of migration'.

In spite of widespread support and commitments, migrant workers continue to face challenges in accessing return and reintegration services. Aiming to address this gap, the ASEAN Committee on the Protection and Promotion of the Rights of Migrant Workers and the Government of Indonesia took the lead to develop a set of ASEAN Guidelines on Effective Return and Reintegration. This report was prepared with the support of the Governments of Australia and Canada, through the ILO TRIANGLE in ASEAN programme, to provide background and inputs to the development of these guidelines.

The report highlights conceptual issues and good practices in reintegration of migrant workers in the ASEAN region and beyond. It was prepared as the background document for the ASEAN Workshop on Reintegration Programmes for Returning Migrant Workers (27–28 August 2019) in Yogyakarta, organized by the Ministry of Manpower, Government of Indonesia, and the ILO TRIANGLE in ASEAN programme.

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