

**FRAMEWORK FOR EFFECTIVE ASSISTED VOLUNTARY RETURNS AND REINTEGRATION (AVRR) IN NIGERIA:
STANDARD OPERATING PROCEDURE (SOP)**



Contents

SECTION I:

Contents	2
List of Acronyms	3
Glossary	4
Underlying Principles of Return	8
1. Background	10
2. Introduction	10
3. Objectives	11
4. Definition of Scope	11
5. General Principle	11
6. The AVRR Module	13

SECTION II:

7. Manual of Operation	14
8. Brief Narration: Process and Procedures	17
8.1. Ministry of Foreign Affairs	17
8.2. National Commission for Refugees, Migrants and Internally Displaced Persons	17
8.3. Nigeria Immigration Service.....	18
8.4. National Agency for the Prohibition of Traffic in Persons	18
8.5. Small and Medium Enterprises Development Agency in Nigeria	18
8.6. Federal Ministry of Labour and Employment	18
8.7. Office of the National Security Adviser	18
8.8. International Organization for Migration	19
9. Code of Conduct	20
10. Conclusion	20

List of Acronyms

AVRR	Assisted Voluntary Return and Reintegration
CBN	Central Bank of Nigeria
CSOs	Civil Society Organizations
ETC	Emergency Travel Certificate
FMEd	Federal Ministry of Education
FMH	Federal Ministry of Health
FMLE	Federal Ministry of Labour and Employment
FMWASD	Federal Ministry of Women Affairs and Social Development
IRA	Instrument of Returnee Assistance
IOM	International Organization for Migration
NAPTIP	National Agency for the Prohibition of Traffic in Persons
NGO	Non-Governmental Organization
NIS	Nigeria Immigration Service
MDAs	Ministries, Departments and Agencies
MFA	Ministry of Foreign Affairs
NMP	National Migration Policy
ONSA	Office of the National Security Adviser
SoTs	Survivors of Trafficking
SMEDAN	Small and Medium Enterprises Development Agency of Nigeria
ToRA	Terms of Return Agreement
UMC	Unaccompanied Migrant Children
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollar
VoTs	Victims of Trafficking

Glossary

Assisted voluntary return and reintegration refers to the administrative, logistical and financial return and reintegration support extended to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

Country of destination/Host Country is a country that serves as a destination for migratory flows (whether regular or irregular).

Country of origin is a source country of migratory flows (whether regular or irregular).

Country of transit is a country through which migratory flows (whether regular or irregular) move.

Guardian is one who has the legal authority and duty to care for another's person or property, usually because of that other person's incapacity, disability or status as a minor. A guardian may either be appointed for all purposes or for a specific purpose.

Health, according to the preamble of the WHO Constitution (1946), is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Health assessment, in the migration context, is the function of reducing and better managing the public health impact of population mobility on receiving countries, as well as facilitating the integration of migrants through the detection and cost-effective management of health conditions and medical conditions. Pre-departure health assessments offer an opportunity to promote the health of assisted migrants by serving as an occasion to initiate preventative and curative interventions for conditions that, if left untreated, could have a negative impact on a migrant's health status and/or on the public health of the host communities.

Irregular migrant is a person who, owing to his or her unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers, inter alia, those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized, or those

who have subsequently taken unauthorized employment (also called “clandestine/undocumented migrant” or “migrant in an irregular situation”). The term ‘irregular’ is preferable to ‘illegal’ because the latter carries a criminal connotation and is seen as denying migrants’ humanity.

Labour migration is the movement of persons from one State to another, or within their own country of residence, for the purpose of employment. The matter is addressed by most States in their migration laws. In addition, some States take an active role in regulating outward labour migration and in seeking opportunities for their nationals abroad.

Mixed flows are complex migratory population movements that include refugees, asylum seekers, economic migrants and other types of migrants, as opposed to migratory population movements that consist entirely of one migrant category.

National Migration Policy is a comprehensive home grown document that recognizes and incorporates the guiding principles channeled towards the advancement and protection of the human rights of Nigerian migrants within and outside Nigeria. The principles of the National Policy on Migration are proposed to guide the policy obligations and their implementations and aims at achieving effective administration and management of migration for socio-economic development in Nigeria. The policy recognizes the challenges of migration in Nigeria but focuses more on the opportunities and its benefits for national development.

Regular migration is migration that occurs through recognized and authorized channels.

Reintegration is the re-inclusion or re-incorporation of a person into a group or process, for example, of a migrant into the society of his or her country of origin or habitual residence.

Reintegration assistance is provided to help returnees re-establish themselves; it ranges from in-cash or in-kind financial aid, guidance and training to set up micro-businesses or cooperatives, to direct aid to communities and local governments of return and even to countries of origin at the macro-level.

Return refers to the act of going back from a country of presence (either transit or destination) to the country of previous transit or origin. Return may also take place within a country. However, and for the purpose of this handbook, only international migration will be addressed. There are various categories of return that take place or are implemented, namely, voluntary, forced, assisted or spontaneously (without the involvement of States or other national and international actors), and the repatriation of refugees.

Trafficker (human) is an intermediary who is involved in the movement of persons in order to obtain an economic or other form of profit by means of deception, physical or psychological coercion for the purpose of exploitation. The intent, ab initio, on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.

Trafficking in persons is “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Art. 3(a), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000). Trafficking in persons can take place within the borders of one State or may have a transnational character.

Travel documents is the generic term used to encompass all documents issued by a competent authority which serve as acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents. Some States also accept certain identity cards or other documents, such as residence permits.

Unaccompanied Migrant Children (UMC) are persons under the age of minority in a country other than that of their nationality who are not accompanied by a parent, guardian or other adult who, by law or custom, is responsible for them. Unaccompanied

children present special challenges for border control officials, because detention and other practices applied to undocumented adult non-nationals may not be appropriate for children.

Victim of human trafficking (VoT) is any natural person who is subject to trafficking in human beings.

Voluntary repatriation is the return of eligible persons to the country of origin on the basis of their freely expressed willingness to such return; the term is most often used in the context of refugees, prisoners of war, and civil detainees. It is also one of the three durable solutions to address the plight of refugees. Where IOM is involved in the activity, it is in conjunction with UNHCR and is always voluntary in nature. This activity, however, is not covered in this manual.

Voluntary return is based on a decision freely taken by an individual to return to his or her country of origin or transit and consists of two elements: (a) freedom of choice, which is defined by the absence of any physical or psychological pressure and; (b) an informed decision, which requires the availability of enough accurate and objective information upon which to base such decision.

Vulnerable group is any group or sector of society that is at a higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; it may also refer to any group or sector of society (such as women, children, the elderly, persons with disabilities, indigenous peoples or migrants) that is at a higher risk in periods of conflict and crisis.

{Adapted from the IOM Glossary on Migration - see IOM 2011}

Underlying Principles of Return

When carrying out any AVRR initiative, it is important to adhere to the following principles which should be considered as the backbone for any AVRR framework – at all times:

(a) Return must be Voluntary - IOM experience has shown that the concept of return necessarily being voluntary is an essential element for the credibility of any AVRR programme. A non-governmental entity implementing AVRR should, therefore, not become involved in facilitating return operations that entail the use of coercion, since this is considered to be forced return, which should be a matter only for relevant national authorities.

(b) Voluntary Return must be based on an informed decision - Potential returnees must be presented with as much information as possible about their country of origin; such information must be factual and neutral, to allow the migrant to make an informed decision about his or her return. In addition, AVRR should not be promoted in such a way as to encourage a migrant to accept AVRR.

(c) The Human Rights of migrants must be protected at all times - Governments of countries of destination, transit and origin are under obligation to respect the human rights of migrants enshrined in international law, as well as those provided for under national laws. Under international law, the rights of migrants stem from a number of sources (see Annex 2 for a list of these laws, the rights they protect and the years of their ratification by North African countries).

(d) Sovereignty of the State - Under international law, each State has the sovereign right to decide who may enter and remain on its territory. However, international law is increasingly obliging States to also accept their returning migrants, under Article 18 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime (2000), and Article 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, United Nations (2000).

(e) Do no/less harm: The wellbeing of the people we are trying to help must be the focus of our efforts to help them. Organizations must strive to “do no harm” or to minimize the harm they may be inadvertently doing simply by being present and providing assistance. Humanitarian actors (All stakeholders under AVRR project) need to be aware of this and take steps to minimize the harm when, for example, aid (Assistance under the AVRR project) is used as an instrument of exploitation. To minimize possible longer term harm on (returnees under the AVRR project), humanitarian organizations (All stakeholders) should provide assistance in ways that are supportive of recovery and long-term development (of the returnees).

1. **BACKGROUND:**

This framework is derived from **Section 4.3.3 of the National Migration Policy (NMP)** which recognizes the importance of return, re-admission and reintegration of Nigerian migrants; promote the facilitation of their adapting to new life in their home country (Nigeria); provides for the evolvement of bilateral and multilateral arrangements with the main destination countries of Nigerian emigrants; and also provides for the institutionalization of training programmes for the reintegration of return migrants. The AVRR programme involves standard interventions throughout the return migration cycle: first, in the host country, through, amongst other things, securing travel documents for migrants, counseling on the environment for return and reintegration in the country of origin—including provision of return relevant information from Nigeria, and medical evaluations; second, in transit, through coordination with airport officials and escort and medical services; and third, in the country of origin, through, amongst other things, assistance through immigration, reception assistance, payment of reintegration assistance in installments and provision of business trainings.

2. **INTRODUCTION:**

The NMP recognizes the fact that a major challenge to implementing any AVRR programme in Nigeria given the array of Government institutions that have varied expertise and experience in such related matters, is the absence of a structure; a framework and a referral system that takes into account the cross-cutting nature of migration and its impact on social configuration, that guarantees the humane and orderly treatment of Nigeria citizens upon their return. What is currently obtained involved a variety of actors without a coordinated framework of assistance to returning migrants. Also, due to the fact that financing for reintegration assistance varies and largely dependent on the finances made available from the host countries and/or other implementing partner(s), the standard of assistance and sustainability of reintegration is adversely affected.

3. **OBJECTIVES:**

This Manual of Procedures-SOP seeks to achieve the following key objectives:

1. Provide a step by step procedural methodology and timelines for the implementation of the AVRR;
2. Establish lines of communication and proper guidance for effective coordination;
3. Propose clear responsibilities and operational boundaries of various actors while ensuring sustainability of the process;
4. It also contains referral/feedback mechanism among the various actors as well as the returnees themselves.

4. **DEFINITION OF SCOPE:**

The NMP prescribes the creation of standards and procedures based on law and policy, for the return, re-admission and reintegration of voluntary returnees, in line with relevant international legal instruments.

Based on this, the operation of this manual applies to Nigerians who may have been returned by virtue of their irregular migratory status or are stranded in transit or by virtue of the unfavorable socio-economic or political situation or voluntarily returned because of failed asylum or any other reason which must not be criminal in nature.

For the avoidance of doubt, the operation of this manual does not apply to any returnee who has been identified as a victim of trafficking as provided for by the NAPTIP Act; or any Nigerian Refugee who is returned under the UNHCR/NCFRMI Voluntary Repatriation Scheme.

5. **GENERAL PRINCIPLE:**

Return and reintegration of migrants are not still adequately linked to development planning, including government sponsored and other development programmes on ground as well as placing returnee reintegration within the context of community

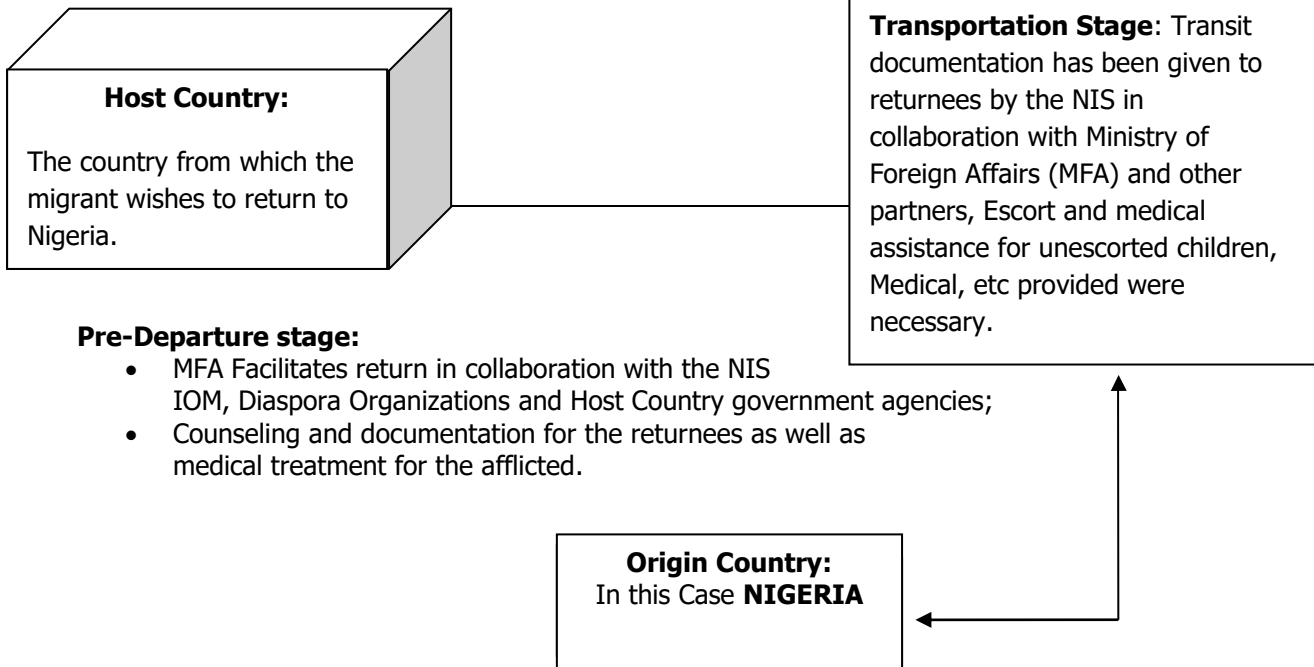
development planning. There is a need for contingency plans to deal with large and spontaneous returns due to unrest in host countries, as witnessed during the Libyan crisis. Efforts need to be scaled up in family tracing activities, counseling and follow-up mechanisms. Innovative measures also need to be developed to monitor the impact of the programme in the North Eastern part of the country where security concerns remain.

It is imperative that quick and effective formal referral structures/frameworks are designed to deal with the increasing variety of returnees and the inherent challenges in dealing with the different categories of returnees. These structures must involve partnerships with MDAs and Civil Society Organizations (CSOs) at the local, national, regional, and global levels.

Therefore, the operation of this Manual is envisaged to serve as an incentive to Nigerians who have been in irregular migratory situation abroad to return home, given the confidence and credibility built into the process. If achieved, it will be a win-win-win for all the parties: the Country of Origin, the destination Country and the returned Migrant.

6.

THE AVRR MODULE



Pre-Departure stage:

- MFA Facilitates return in collaboration with the NIS IOM, Diaspora Organizations and Host Country government agencies;
- Counseling and documentation for the returnees as well as medical treatment for the afflicted.

Post Arrival stage:

- NIS ensures hassle free entrance/passage for returnees through the airport terminals;
- NCFRMI receive returnees and provide Temporary accommodation.
- SMEDAN organizes training programmes for returnees to aid them in business reintegration;
- NAPTIP take delivery of SoTs for rehabilitation and reintegration services;
- NCFRMI ensure that reintegration funds are disbursed to returnees;
- CSOs provide assistance in the reintegration of returnees;
- Monitoring & Follow-up by IOM, NCFRMI and MFA.

7. SECTION 11:

MANUAL OF OPERATION

PROCEDURES AND RESPONSIBILITIES

PRE-DEPARTURE STAGE:		
Institutions	Activities	Time Frame
Ministry of Foreign Affairs	Shall do the following: <ul style="list-style-type: none"> • Negotiate the Terms of Return Agreement (ToRA) with the host country; • Profile intending returnees conducted at the relevant Embassies and share information with NIS; • Brief the intending returnees about the return procedure. 	MFA and NIS to provide the time frame within which to carry out the stated activities.
NIS	Shall do the following: <ul style="list-style-type: none"> • Conduct identification of intending returnees; • Issue Emergency Travel Certificate to the intending returnees. 	Within 7 working days
MFA	Shall do the following: <ul style="list-style-type: none"> • Transmit travel itinerary and returnees' personal details to NIS and NCFRMI. 	
IOM	Shall do the following: <ul style="list-style-type: none"> • Provide counseling services to the intending returnees (where applicable). 	
NCFRMI	Shall do the following: <ul style="list-style-type: none"> • Transmit the personal details and travel itinerary of the intending returnees to SMEDAN, NSA and NAPTIP within 48 hours of receipt from MFA; • Initiate a burden sharing arrangement with implementing partners and donors when applicable. 	

NCFRMI/ IOM/ NAPTIP	Shall do the following: <ul style="list-style-type: none"> • Ensure that members of staff are present at the arrival port within 24 hours. 	
NIS	Shall do the following: <ul style="list-style-type: none"> • Issue Clearance certificate to NCFRMI to enable relevant officials gain access to the returnees at the entry point. 	
NCFRMI	Shall do the following: <ul style="list-style-type: none"> • Ensure effective coordination of the pre-departure process. 	
TRANSIT /TRANSPORTATION STAGE:		
MFA/IOM	Shall do the following: <ul style="list-style-type: none"> • Provide departure assistance in form of travel and reintegration allowances on individual basis including children, movement coordination, transit assistance, escort assistance, Medical etc (where appropriate). 	
POST ARRIVAL STAGE:		
NCFRMI/ONSA	Shall do the following: <ul style="list-style-type: none"> • Transport returnees to a reception centre; • Provide temporary shelter; • Facilitate debriefing process of returnees; • Coordinate security arrangements. 	
NIS/NAPTIP/IOM	Shall do the following: <ul style="list-style-type: none"> • Conduct debriefing of returnees. 	
SMEDAN	Shall do the following: <ul style="list-style-type: none"> • Conduct profiling of returnees skills and training needs assessment as well as Sensitization and business opportunity identification trainings. 	
NCFRMI/IOM	Shall do the following:	

	<ul style="list-style-type: none"> Facilitate Payment of transportation allowance to Returnees (where appropriate). 	
NCFRMI/NAPTIP	<p>Shall do the following:</p> <ul style="list-style-type: none"> Refer Nigerian Refugee Returnees and Survivors of Trafficking to UNHCR and NAPTIP respectively; Facilitate family tracing process. 	
NCFRMI/SMEDAN/ FMLE	<p>Shall do the following:</p> <ul style="list-style-type: none"> Issue letters of introduction to SMEDAN in favour of the returnees on need basis and transmit specific request for entrepreneurial training and assistance; Prepare and share full administrative report on the successful reintegration of the returnees with IOM and MFA. 	
NCFRMI	<p>Shall do the following:</p> <ul style="list-style-type: none"> Develop procedure for engaging the returnees through empowerment programmes, entrepreneurial training, etc. 	
NCFRMI/SMEDAN/ FMLE	<p>Shall do the following:</p> <ul style="list-style-type: none"> Delist successful reintegrated returnees from active database. 	

8. **BRIEF NARRATION: PROCESS AND PROCEDURE:**

The under listed institutions and organizations are critical players for effective implementation of AVRR in Nigeria. It is imperative that the specific roles and expectations for these institutions are elucidated so as to ensure smooth operation and implementation as follows:

- 1) Ministry of Foreign Affairs
- 2) National Commission for Refugees, Migrants and IDPs (NCFRMI)
- 3) National Agency for the Prohibition of Traffic in Persons (NAPTIP)
- 4) Nigeria Immigration Service (NIS)
- 5) Small and Medium Enterprise Development Agency of Nigeria (SMEDAN)
- 6) Federal Ministry of Labour and Employment (FMLE)
- 7) Office of the National Security Adviser (ONSA)
- 8) International Organization for Migration (IOM)/International Partners
- 9) Civil Society Organizations (CSOs)
- 10) Diaspora Agencies

8.1. **Ministry of Foreign Affairs:**

The role of the Ministry of Foreign Affairs during the AVRR essentially spans between the Pre-departure and Transportation stages. At the pre-departure stage, the Ministry shall in coordination with the host country and other partners facilitate all processes and ensure that the line of communication established in this manual is activated. The Ministry of Foreign Affairs is also expected to be in the forefront of ensuring that Nigeria enters into bilateral agreements with as many countries as possible to ensure humane treatment of Nigerian migrants abroad; such as has been signed with the Government of Switzerland, which allows for a joint team of the Ministry and NIS officials to visit Switzerland to encourage presumed irregular Nigerian immigrants and asylum seekers to voluntarily return home.

8.2. National Commission for Refugees, Migrants and IDPs (NCFRMI):

The National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) is expected to play a supervisory role in the implementation of AVRR at every stage of the return. NCFRMI is expected to provide general coordination for implementing the provisions of this manual and ensure that the protocol of operations is fully complied with. NCFRMI should also house a database of all returnees, ensuring that sustainable reintegration is attained for all the returnees.

8.3. Nigeria Immigration Service (NIS):

NIS is expected to coordinate all security concerns and debriefing at the Transportation and Arrival stage at the ports; ensuring initial comfort and hassle free entrance into the country, prior to the reception that may be provided by the NCFRMI in collaboration with its partners and other stakeholders. The issuance of an Instrument of Safe Passage (ISP) to the NCFRMI for the benefit of the returnee(s) is very crucial.

8.4. National Agency for the Prohibition of Traffic in Persons (NAPTIP):

Returnees who are survivors of trafficking (SoT) are to be referred to NAPTIP for rehabilitation and reintegration. NAPTIP is expected to provide counseling for these set of returnees and when necessary coordinate Family Tracing activities.

8.5. Small and Medium Enterprise Development Agency of Nigeria (SMEDAN):

All activities and processes relating to the Arrival Stage should not ordinarily exceed two weeks. At this stage, SMEDAN in partnership with appropriate institutions (including the IOM) would facilitate the socio-economic development of the returnees by training the returnees on how to start, build and run their businesses successfully.

8.6. Federal Ministry of Labour and Employment (FMLE): The Ministry under Section 4.6 of the National Policy on Labour Migration is empowered to develop migrant reintegration Programmes which is in line with the implementation of the AVRR in Nigeria. Also, the Ministry runs various programmes and activities that could be of immense benefit to return migrants under the AVRR programme in Nigeria. These programmes or activities of the Ministry are as follows: National Electronic Labour

Exchange (NELEX); the establishment of Job Centers in the six geo-political zone of the country for job placement and Migrant Resource center.

8.7. **Office of the National Security Adviser (ONSA):** Among other functions, part of their function is to coordinate all the activities of other security agencies in Nigeria. In the AVRR programme, the ONSA is to coordinate all security related activities from the Arrival Stage to the Reintegration Stage.

8.8. **International Organization for Migration (IOM)/International Partners:** Since IOM has a global network of over 300 offices in countries of origin, transit and destination, they are sufficiently poised to be a rallying point between the affected Nigerian migrants in these host countries. It is expected that they would work hand-in-hand with the National Authority in liaising with the host country's Inland Enforcement Offices (IEOs) in the implementation of AVRR. It is called upon to provide both the technical and financial support needed for the sustainability of this programme. In doing these, all channels of communications must be maintained.

9. **CODE OF CONDUCT:**

- i. The humanitarian imperative which stipulates that "the right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of countries" comes first. Therefore, we are expected to respect and promote this principle in the discharge of our responsibilities under the AVRR project.
- ii. Assistance under AVRR project is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. AVRR Assistance priorities are calculated on the basis of need alone.
- iii. AVRR assistance will not be used to further a particular political or religious standpoint.
- iv. We shall respect culture and custom of the returnees and hosts communities
- v. We shall attempt to build AVRR returnees' reintegration response on local capacities.
- vi. Ways shall be found to involve returnees in the management of the assistance being provided in order to build their capacities of the returnees to manage their affairs.
- vii. Assistance under AVRR must strive to reduce future vulnerabilities to irregular migration as well as meeting basic needs of the returnees. It must not promote long term dependency.
- viii. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources. Therefore, all stakeholders under AVRR project should seek ways to provide explanation to the beneficiaries, donors and hosts communities concerning positive or negative consequences of their actions in the course of discharging their responsibilities under the AVRR project.
- ix. In our information, publicity and advertising activities, we shall recognize returnees as dignified human beings, not hopeless objects. Respect for the returnees as equal partners in action should never be lost. In our public information we should portray an objective image of the return situation where the capacities and aspirations of the returnees are highlighted, and not just their vulnerabilities and fears. We will avoid competing with other agencies providing assistance to the returnees for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.
- x. Reintegration should not create tension in host communities. Therefore, efforts should be made to integrate returnees under AVRR project into existing formal or informal community support structures/networks, Local, States and National

governments programmes. We should not seek to create parallel structure within the society.

10. **Conclusion:**

As an origin, transit and destination point for migrants, Nigeria requires a comprehensive AVRR framework based on a multi-stakeholder approach that will be able to provide for the individual and varied needs of returnees. In this sense, cooperation between the many actors in both countries of origin, transit and destination is paramount to ensure that roles are clearly established and able to cover the needs of each and every migrant.

It is particularly important to establish an AVRR framework balanced between the country of origin and destination to ensure that reintegration assistance is as equally prioritized as the return itself. In order to do so, adequate financial and human resources should be oriented towards ensuring that reintegration assistance is effective and therefore sustainable, aiming to prevent further irregular migration.