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# A child rights approach to the sustainable reintegration of migrant children and families

## Key Messages

- The complex, multidimensional process of reintegration requires a holistic perspective to address the needs of returnee children and families.
- The integrated approach to reintegration focuses on the economic, social and psychosocial dimensions while responding to the needs of individual returnees, the families and communities they return to, and the structural factors that regulate them.
- A child rights approach to reintegration begins with a return decision arrived at in line with the child's best interests. Children who are returning as part of a family unit should be treated as individual rights holders, including applying the 'best interests' principle at all times. While forced returns are never assessed to be in a child's best interests, they still require child protection and social welfare authorities to identify and provide reintegration assistance to returnee children and families in their communities of origin.
- Sustainable reintegration is reinforced by supporting pre-departure planning where possible, and promoting cross-border cooperation between child protection, social welfare, immigration and other authorities.

## OVERVIEW

In 2019, the number of international migrants reached 272 million; 33 million of them were children.<sup>51</sup> Migrant children are considered vulnerable whether accompanied by parents or caregivers, unaccompanied, meaning they are not being cared for by adults legally responsible for them, or separated from their primary caregivers but not necessarily other adults.<sup>52</sup> This vulnerability may be situational, arising from their dependence on irregular migration routes, conveyance by smugglers, exposure to traffickers, or inherent, based on their status as children.<sup>53</sup> Migrant children's vulnerability including the risk of violence, exploitation and abuse is intensified when they are unaccompanied or separated.<sup>54</sup>

The motivations for migrating are often mixed, complex and may overlap; whether children migrate alone or simply accompany their families, the decision having been made by adults. Motivations include escaping conflict and persecution, the pursuit of safety and protection, and the fulfilment of personal aspirations. Often, options for long-term stay in transit and host countries are limited to the right to seek asylum, complementary pathways such as humanitarian visas, family reunification, temporary permits and other regularization schemes. Children who are unable to regularize their stay or lose their status in the course of their stay in host countries are faced with the possibility of return. Return to countries of origin can be assisted or spontaneous. It is prompted by changes in conditions in the country of origin or host country, a desire to reunite with family members, exhaustion of viable options to regularize their stay in the host or destination country, forced return or deportation.

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Ultimately, children return unaccompanied or with their families because they are unable or unwilling to remain in the host country.

A sustainable solution including return, local integration and resettlement is informed by the guiding principles of the Convention of the Rights of the Child including the best interests of the child, the principle of nondiscrimination, the right to survival and development and the right of the child to be heard in line with their age and maturity. Return (and reintegration) is one of the possible sustainable solutions for migrant children. This module focuses specifically on this sustainable solution, whilst local integration and resettlement are not discussed.

Children should never return to a situation where they would be at risk of harm, or their life would be in danger, in contravention of the principle of non-refoulement. To ensure the best interests and welfare of the child including their development into adulthood within an environment that promotes their rights, the return process should be accompanied by sustainable reintegration assistance. The International Organization for Migration (IOM) refers to reintegration as the process of reinclusion or reincorporation of migrants into their society following their return (see [Annex 10](#) for a list of key terms and definitions).

Further, IOM recognizes that the complex process of reintegration requires a holistic and rights-based response at the individual, community and structural level while establishing strong partnerships with key stakeholders. This ecological approach recognizes the importance of families, communities and the laws, policies and frameworks that guide them. Sustainable reintegration begins before the child leaves the host country by ensuring appropriate reception and care arrangements are made in the country of origin prior to the child's return.

## **SCOPE**

The focus of this module is the reintegration of returnee children and their families. It represents a collaborative effort between the IOM and the United Nations Children's Fund (UNICEF), and is based on a literature review, and consultation with child protection, development and reintegration experts. As part of the development process, field visits were conducted to Central America, and East and West Africa to inform case studies and practical examples. The module is conceived as a hands-on tool on how to integrate and promote appropriate reintegration practices for returnee children. It focuses on strengthening child protection and social welfare systems, case management to facilitate referral to education, social protection, health care, access to justice and other appropriate services, and recommends the prioritization of community and family resources and practices.

The module targets a range of stakeholders involved in the provision of reintegration-related support at various levels and stages, including child protection actors, migration authorities, local service providers, and development partners, among others. It caters to a range of returnee children including unaccompanied and separated children returning to their families, legal guardians and caregivers as well as children returning with their family members to their countries of origin. Age and gender-specific considerations are integrated throughout.

As forced returns are rarely assessed to be in the best interests of the child, the module focuses on the assisted voluntary return and reintegration of children and families in line with the child's best interests, with a recommendation that assistance be offered throughout the entire process.<sup>55</sup> However, it is recognized that migrant children may return and reintegrate in a number of contexts and circumstances which may include forced or spontaneous return with minimal or no assistance at any given segment of the return process. The module offers guidance which can also inform the

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reintegration assistance of children and families returning to their country of origin under these circumstances.

The module borrows practical examples from a range of reintegration, social integration, community development and other contexts which share common dynamics surrounding the reintegration process. All of the examples and guidance strive to provide suggestions to problem solve, work within available resources and ignite creative thinking in finding solutions to support returnee children and families. The module is not intended to be prescriptive but should be used flexibly in line with the context, available resources, profile and specific needs of returnee children and families.

## CONTENTS

The module follows the structure of the handbook with the aim of demonstrating child rights and child-sensitive approaches to reintegration assistance within the integrated approach. The module has five parts covering key principles for a child rights and integrated approach, child-sensitive reintegration at the individual, community and structural level and indicators for monitoring and evaluating reintegration assistance. The overall target audience are programme managers and developers, case managers, service providers, local and national government staff, implementing partners, donors and monitoring and evaluation officers. The target audience varies slightly in relation to each chapter and will be indicated accordingly.

<sup>51</sup> See: <https://data.unicef.org/topic/child-migration-and-displacement/migration/>.

<sup>52</sup> UNCRC, General Comment No. 6 (2005) [Treatment of unaccompanied and separated children outside their country of origin](#) p. 5.

<sup>53</sup> IOM, [Handbook for Migrants Vulnerable to Violence, Exploitation and Abuse](#) p. 251 (Geneva, 2019).

<sup>54</sup> IOM, [Addressing the Needs of Migrant Children](#) (Geneva, 2018).

<sup>55</sup> Natalia Alonso Cano and Irina Todorova, Towards child-rights compliance in return and reintegration, [Migration Policy Practice: Special Issue on Return and Reintegration](#). Vol. IX, Number 1, January–March 2019; pp. 15–21.