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## Key principles for a child rights and integrated approach to reintegration

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### **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.

### **Target audience**

Programme managers/ developers

Case managers/other staff

Service providers

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Local Government

National government

Implementing partners

Donors

M&E Officers

### **6.1.1 An integrated approach to the reintegration of children and families**

Module 1 examines considerations for an integrated approach to reintegration assistance. The premise of the integrated approach is that the complex, multidimensional process of reintegration requires a holistic response to address the needs of returnee children and families, taking into consideration their environment and personal circumstances. The integrated approach to reintegration focuses on the economic, social and psychosocial dimensions while responding to the needs of individual returnees, the communities they return to and the structural factors that regulate them.

The integrated approach consists of three levels of support :

- The individual level which addresses the specific needs and vulnerabilities of returnee children and returning family members;
- The community level which responds to the needs, vulnerabilities and concerns of communities to which migrants return;
- The structural level which promotes good migration governance, integration and engagement with local, national and transnational actors to facilitate social cohesion and access to support services for returnee children and their families.

Within each of these three levels, the integrated approach addresses three dimensions of reintegration:

- The economic dimension covers aspects of reintegration that support re-entry into economic life and promotes sustained livelihoods for families;
- The social dimension covers access to public services such as health, education, housing, justice and social protection schemes promoting the child's enjoyment of their economic,

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social and cultural rights;

- The psychosocial dimension covers the reinsertion of returnee children and their families into support networks involving friends, relatives, neighbours and civil society structures as well as reengagement with the values, ways of living, language, moral principles and traditions in the society of the returnee's country of origin, contributing to the enjoyment of cultural rights. This includes capitalizing on the resilience of returnees and reconciling their personal experiences and opinions with the values of their home communities.

Implementing an integrated approach through a child-rights and child-sensitive lens calls for an examination of the impact on the child of the role of families, of child protection and social welfare authorities, schools, communities, and policies and legislation. The levels and dimensions are not linear, mutually exclusive or prioritized in any order but in fact often influence and interact with each other.

Practitioners should ensure that information obtained about factors affecting children's reintegration, as a result of stakeholder-mapping and information-gathering, is used to work with and advocate to donor governments with regards to their reintegration support strategies, policies and programmes, to ensure that they give adequate consideration to the rights and needs of returnee children. Often the focus of reintegration assistance strategies on economic support for individual adults and for households can mean that children's specific needs are not sufficiently addressed. Social and psychosocial needs of returnees should be integrated into reintegration programmes along with economic needs. Donors should work with authorities in countries of origin to incorporate programming for child returnees into national structures and systems, and should provide consistent, long-term support through bilateral, regional or international programmes, prioritizing interventions and capacity development at the local level.

## **6.1.2 Establishing a comprehensive reintegration programme**

The reintegration process is guided by the implementation of the best interest procedure and reintegration planning undertaken prior to return in the case of assisted returns, or upon arrival and identification in the country of origin following forced return. For assisted returns, reception and care arrangements including family tracing for unaccompanied children in line with the child's best interests are conducted prior to return. Upon arrival in the country of origin, integrated, cross-sectoral interventions supported by multi-stakeholder engagement help to advance sustainable reintegration.

### **6.1.2.1 Guiding principles for a child rights integrated approach to reintegration**

The international legislative framework, policy instruments and guidance tools below form the basis for a common understanding, set of standards and guiding principles to ensure the protection, safe and dignified return and sustainable reintegration of migrant children and families to their countries of origin. The guiding principles apply throughout the reintegration process, including before a return decision is arrived at in the host country:

- Convention on the Rights of the Child
- 1951 Convention Relating to the Status of Refugees and its 1967 Protocol
- The International Convention on the Protection of the Rights of All Migrant Workers and

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### Members of Their Families

- Global Compact for Safe, Orderly, and Regular Migration
- UN Guidelines on Alternative Care (2009)
- UNGA Resolution on Children without Parental Care
- Child Protection Minimum Standards (2019)
- Inter-Agency Guidelines for Case Management and Child Protection

**The best interests of the child.** The best interests of the child should be ensured explicitly through individual procedures as an integral part of any administrative or judicial decision concerning the entry, residence or return of a child, placement or care of a child, or the detention or expulsion of a parent associated with his or her own migration status.<sup>56</sup> Considering the best interests of the child in the case of migrant children means finding a sustainable solution that secures their long-term protection, survival and development needs whether they are within a family, unaccompanied or separated from their parents or caregivers.<sup>57</sup> For unaccompanied children, family tracing and reunification if found to be in the child's best interests, alternative care and guardianship arrangements need to be ensured prior to return and to support the reintegration process. Return should not be pursued where it is contrary to the best interests of the child.

**Non-discrimination.** States are obliged to respect and ensure the rights of all children whether they or their parents are migrants in a regular or irregular situation, asylum seekers, victims of trafficking, stateless or returnee children.<sup>58</sup> Assistance should be provided to migrant or returnee children without discrimination or prejudice on the basis of nationality, age, sexual orientation, gender identity, disability, race, ethnicity, religion, language, social or any other status. It is recommended in practice to include the principle of nondiscrimination in service providers' child safeguarding policies and other service delivery agreements.

**Promoting meaningful child participation.** Article 12 of the Convention on the Rights of the Child (UNCRC) recognizes the child's right to be heard. It promotes respect for the child's right to express his or her views freely and for those views to be taken into account in all decisions in line with the child's age and maturity. The child should be involved in exploring available sustainable solutions and possible outcomes. If a decision on return is arrived at in accordance with the child's best interest the child should be kept informed at every stage of the return and reintegration process. Appointed guardians and legal representatives should facilitate information dissemination in an age-appropriate manner to ensure informed consent for unaccompanied and separated children.

**The principle of non-refoulement.** The principle of non-refoulement protects migrant children from return to countries where there are substantial grounds for believing they will be at real risk of irreparable harm. Considerations include a substantial risk to the child's life, survival and development as well as deprivation of liberty, and requires careful consideration of child-specific human rights violations and child-specific drivers of migration, such as threats of child marriage and other forms of gender-based violence, forcible recruitment into state and non-state armed groups, trafficking and other forms of exploitation and abuse, including the worst forms of child labour.

**Implementing a rights-based approach.** A rights-based approach requires the integration of human rights standards, norms and principles in all steps of the reintegration process. Sustainable reintegration efforts should be based on the rights and principles enshrined in the UNCRC and national legislation and applied taking into consideration the age, gender, ability or other status of the child.<sup>59</sup> Child protection, social welfare and other authorities involved in the reintegration process should strive to implement the full range of child rights during the reintegration process in accordance with their interdependent and indivisible nature requiring no child right to take precedence over

**Confidentiality and Privacy.** Information-sharing protocols taking into consideration data protection standards should be developed between relevant States and among service providers. National authorities, social workers, case managers and service delivery organizations should appropriately secure confidential information including children's biodata and their migration or returnee status by sharing it only on a need to know basis, in accordance with the families' or guardians' consent, and the best interests of the child. Data protection protocols and firewalls should prevent sharing of information for immigration enforcement purposes.

**Do no harm.** Actors providing assistance have a duty of care and should assess the potential for harm of any proposed action. Assistance should not be provided, or it should be deferred if there is reason to believe that it might leave a migrant or returnee child worse off than before. Support for returnee children vulnerable to violence, exploitation and abuse should cause no harm to their family nor stigmatize them in their wider community.

**Prioritizing family unity.** A child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.<sup>61</sup> Families have the primary responsibility for the upbringing and development of the child. Thus, every precaution should be taken to preserve family unity, end child immigration detention, promote family strengthening to support a child's development and improve their immediate environment. This may include providing legal status to a child's family members in the host country or family tracing and reunification for unaccompanied children prior to return or upon identification and registration in the country of origin, if determined to be in the child's best interests.

**Multisectoral approach.** Supporting the ecology around the child as well as the multiple dimensions of a child's development requires a multidisciplinary and multisectoral approach involving a range of stakeholders, including the health, education and justice sectors, social and child protection actors, children, families, communities, civil society organizations, faith-based organizations, parliamentarians and the private sector. An assessment of the reintegration context, mapping of available reintegration assistance and developing referral mechanisms facilitates a multisectoral approach through coordinated reintegration assistance and related services.

**Strengthening child protection and welfare systems.** The sustainable reintegration of returnee children is best supported by a responsive, well-developed, child protection and welfare system which can identify, assess, address and monitor the needs of vulnerable children. Although targeted support for returning migrant children may be necessary upon arrival, the success and sustainability of community-based follow-up and reintegration will be dependent on the capacity of the child protection and welfare system. Therefore, reintegration efforts should focus on linking and integrating returning migrant children to child protection systems as well as strengthening the capacity of the social welfare authorities to respond to all vulnerable children. Bilateral cooperation to enhance cross-border case management and referral mechanisms at the national and community level promote a continuity of care for returnee children and families.

### **6.1.2.2 Key considerations for child-sensitive sustainable reintegration checklist**

The key considerations checklist below provides suggestions for information gathering at the individual, community and structural level and applies across the economic, social and psychosocial dimensions taking into consideration the age, gender, ability and other characteristics of the child, as

well as the stage of the return and reintegration process. In situations where return is decided by administrative or judicial authorities in the host country, the key considerations will impact the reintegration planning process. The key considerations checklist can be applied upon arrival in the country of origin or following identification as appropriate. The checklist applies to unaccompanied and separated children, and children in families during the pre-return, return and reintegration phase as relevant. It can be used to ensure that the return and reintegration process, identified priority needs and the best interests of migrant and returnee children, are aligned with the guiding principles above.

Individual Questions level				UASC <sup>62</sup>	Children in families	Pre-return	Re
<b>Safe environment</b>	Is the family and household safe for the child?	?	?	?	?	?	
	Has there been past harm? If so, what is the frequency, pattern, trend? Do the unsafe conditions continue?	?	?	?	?	?	
	What are the risks of child marriage, child labour, child trafficking, female genital mutilation (FGM) and other child rights violations?	?	?	?	?	?	
<b>Family and close relationships</b>	What have been and are now the child's significant relationships?	?		?	?	?	
	What is the quality (including issues of safety and safeguarding)	?	?	?	?	?	

Individual Questions level	UASC <sup>62</sup>	Children in families	Pre-return	Re
and duration of all the child's close relationships: parents; careg ivers; siblings; other family members; other adults; and children in the cultural community?				
What is the ? child's attachment to them (length of any separation, age at separation and so forth)?	?	?	?	?
What has ? been or would be the effect of separation from any signi ficant relation ship (in past and proposed future)?	?	?	?	?
What could be? the potential effect of a change in caregivers of the child?	?	?	?	?
What is the ? capacity of parents, caregivers and those with close rela tionships?	?	?	?	?
What are the ? views of caregivers and those close to the	?	?	?	?

Individual Questions level	UASC <sup>62</sup>	Children in families	Pre-return	Re
<p>child?  <b>Identity rights and development Rights</b>            What is the possibility of family reunification (after tracing, verification and assessment of relationship)?            What child specific characteristics such as age, sex, gender identity, sexual orientation, ability or other characteristics have been considered?            How can the child's identity, including nationality, name and family relations best be preserved?            How can the child's upbringing (cultural and community network) best continue?            How can the child's ethnic, religious, cultural and linguistic background best continue (that is, that the child's culture and traditions be best under</p>	<p>? ? ? ? ? ? ? ? ?</p>	<p>? ? ? ? ? ? ? ? ?</p>	<p>? ? ? ? ? ? ? ? ?</p>	



Individual Questions level	UASC <sup>62</sup>	Children in families	Pre-return	Re
stood)? If a child has spent a long period outside his or her country of origin, he or she may have had different experiences. How can possible conflicts be explored and resolved before reunification?				
How can rest and leisure, and engagement in play and recreational activities appropriate to his or her age be best realized?	?	?	?	?
What action(s) will meet the child's right to physical and mental health?	?	?	?	?
How can older youth be linked to the appropriate skills development, vocational training or sustainable microenterprise if there may be barriers for older youth choosing or enrolling in	?	?	?	?

Individual Questions level	UASC <sup>62</sup>	Children in families	Pre-return	Re
<p>formal education?            How can the child or young person best secure prospects for successful transitions to adulthood (employment, marriage, own family)?</p>	?	?	?	?
<p><b>Active consideration of child's views</b></p>	<p>Is information being given to the child about the process, options being considered, and the relevant considerations and consequences of each sustainable solution being considered in a manner the child understands?</p>	?	?	
	<p>Have the child's views, wishes and feelings about each factor above been obtained (in the past, present and for the future regarding all possible sustainable solutions including return)?</p>	?	?	
	<p>Has the</p>	?	?	

Individual Questions level	UASC <sup>62</sup>	Children in families	Pre-return	Re
<p>child's understanding and maturity been assessed, that is, the child's ability to comprehend and assess the implications of the options?</p> <p>Has consideration been made as to what weight to place on the child's views (in light of above understanding)?</p>	?	?	?	

Community Questions level	UASC	Children in families	Pre-return	Re
<p>considerations</p> <p><b>Safe environment</b> What are the safety levels in the geographical locations under consideration, for instance, violence, child trafficking, risk of reprisals, recruitment of children into armed forces?</p> <p>What are the</p>	?	?	?	

Community level considerations	Community Questions	UASC	Children in families	Pre-return	Re
	<p>safety levels in the community, for instance community attitudes that may stigmatize certain children, including those who have migrated and return?</p>				
	<p>What monitoring mechanisms are in place to ensure ongoing safeguarding assessments of the family context?</p>	?	?	?	
<b>Family and close relationships</b>	<p>What continuity (of people and places) is vital to a child's feelings of security and stability?</p>	?	?	?	
<b>Identity rights and development rights</b>	<p>What is the level of access to and quality of education and learning outcomes – both current accessibility and the prospects for continuing in education?</p>	?	?	?	

Community level considerations	Questions		UASC	Children in families	Pre-return	Re
	What are some sustainable solutions for payment of school fees and school-related costs?					
	What is the level of access to and quality of health care and specialized support for children with additional needs, including psychosocial support?	?	?	?	?	?
	How can the child best secure a standard of living adequate for their physical, mental and psychological, spiritual, moral, and social development? What are the systems in place to provide adequate access to services?	?	?	?	?	?
<b>Active consideration of child's</b>	What are the opportunities and community	?	?	?	?	?

Community level considerations	UASC	Children in families	Pre-return	Re
<p><b>views</b></p> <p>structures that allow the child to share their views and voice their priority needs?</p> <p><b>Structural level considerations (such as national and local legislation or policy)</b></p>				
	<p>What is the level of safety in the society at large?</p>	<p>What is the prevalence of the following:</p> <ul style="list-style-type: none"> <li>• Community violence</li> <li>• Gender-based violence</li> <li>• Gender disparities or inequalities</li> </ul> <p>Are there groups or people who are particularly vulnerable and marginalized?  Is the child or family part of the identified vulnerable or marginalized groups?  Are there other social norms or stigma which may impact on the child's sense of safety?  What are the relevant frameworks, regulations and policies and laws in place to protect children, including the capacity of child protection and social welfare authorities?  What competency and professional development framework exists to ensure that the professionals conducting safeguarding assessments and service provision for children have the relevant training and background to carry out these activities appropriately?<sup>63</sup>  What is the availability of community-based service provision, case management and a functioning referral network to address the economic, social and psychosocial developmental needs of children over time?  What are the policies and practices that promote active child participation or prioritize the child's view in decisions made on their behalf?  What are the public health requirements including immunization, testing, medical assessments or isolation requirements for returnee children?</p>		

<sup>56</sup> Article 3(1) UN Convention on the Rights of the Child. UNCRC/CMW Committee, 2017, Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, para 30.

<sup>57</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.

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<sup>58</sup> Article 2, UN Convention on the Rights of the Child, UNCRC/CMW Committee, 2017, Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, para 9.

<sup>59</sup> Delap, E. and J. Wedge, [Guidelines on Children's Reintegration](#), p. 7 Inter Agency Group on Children's Reintegration (2016).

<sup>60</sup> *Ibid.*

<sup>61</sup> [Article 9 \(1\) UNCRC](#).

<sup>62</sup> Unaccompanied and Separated Children.

<sup>63</sup> IOM, Greece, [Addressing the Needs of Unaccompanied Minors \(UAMs\) in Greece](#) (Athens, 2014).

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