STUDY

Emergency returns by IOM from Libya and Niger

A protection response or a source of protection concerns?

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Content

Foreword

Far beyond its own territory, the European Union and its member states are cooperating with third countries to prevent migrants and refugees from moving towards its external borders.

The EU outsources border controls, trains border police, concludes readmission agreements, funds "voluntary return" programs and rewards countries that align their migration policies with European interests. Meanwhile, for refugees and migrants, it becomes more and more difficult to access safe pathways and find refuge and protection.

At Bread for the World (Brot für die Welt) and medico international together with our partner organizations in the respective countries, we closely monitor the impact of these policies on the human rights and well-being of refugees and migrants. We are concerned about the extent to which development cooperation is being put at the service of European migration and security policy interests. As one example, in 2015 the EU created the Emergency Trust Fund for Africa (EUTF), originally meant to primarily address root causes of irregular migration and displacement in Africa. Besides funding classic development projects in countries of origin of migrants and refugees, and contrary to one of its originally stated objectives to also support the establishment of regular migration pathways, the vast majority of the EUTF migration projects ended up being aimed at controlling and preventing migration within and out of the African continent.

In this framework and operating together with the International Organization for Migration (IOM), in 2016 the EU started funding the "voluntary return" and reintegration of migrants within Africa. This includes the Sahel and Lake Chad region and neighboring countries, including Libya. At the same time, European member states stopped their official sea rescue operations and the deployment of ships near Libyan territorial waters. Some member states even launched a campaign against civilian search and rescue organizations.

After the US-American television station CNN aired pictures of slave-like conditions in Libyan refugee camps at the end of 2017, some of the captured refugees and migrants were evacuated from Libya. They were not brought to Europe, however, but to their countries of origin and transit where in many cases the causes of flight continue to exist and where the return of refugees is likely to lead to new conflicts. At the same time, EU money continued to flow to the Libyan coast guard, even though the latter was demonstrably involved in human rights violations against migrants.

In her presentation at the symposium "Return at any cost?", which we organised in 2019 together with the PRO ASYL and the Heinrich Böll Foundations, the legal anthropologist Jill Alpes presented her research on the effects of European externalization policies on refugees and migrants in Western Africa. The research has been partly funded by the Open Society Foundation. For this publication the author summarizes the main results. Based on interviews with refugees and migrants who have returned to Nigeria and Mali from Libya and Niger, her research is proof of the alarming human rights and humanitarian consequences of a policy that primarily follows European interests. It also portrays the role of the IOM in the evacuation and return process.

We hope that the publication of this paper will be an opportunity to further discuss the European engagement in the region and the role of international organizations such as the IOM in the support and protection of migrants and refugees.

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Chapter 1
Introduction

When CNN brought revelations about human slavery in Libya to greater public attention in the end of November 2017, the focus of the 5th African Union-European Union Summit in Abidjan shifted. African governments no longer tried to question the problematic European support of the Libyan coastguards, but agreed to the voluntary return of its citizens in Libya (medico international, 2018). Thus, the Joint AU-EU-UN Taskforce turned in November 2017 to the IOM to increase the scale of the returns that it was already implementing from Libya and elsewhere under the umbrella of an EU-IOM Joint Initiative for Migrant Protection and Reintegration (cf. EC, 2017).

Return is one of the key pillars of the joint initiative, with funds also allocated to "reintegration", "migrant response and resource mechanisms", as well as rescue operations in the desert (more information is available here: https://migrationjointinitiative.org). While the joint AU-EU-UN Statement also refers to resettlement and measures to combat human trafficking, it nevertheless reinforced the pre-existing understanding of return operations as protection measures. Stories of slavery and exploitation in Libya let return operations appear as a protection response that were necessary because of the emergency context in the country. In the heat of the immediate urgency, there has not been a thorough discussion of the root causes of migrant suffering in Libya, as well as the extent to which return and reintegration measures respond to people's needs and aspirations.

Returns from Libya and Niger to West Africa emerged as a humanitarian intervention on mobility in North and West Africa after official support for search and rescue operations in the Mediterranean Sea decreased and almost came to a halt at the end of 2016 (cf. Cuttitta, 2018b). European countries stopped deploying their vessels in the area of the Central Mediterranean close to Libyan national waters and launched a campaign against Search and Rescue (SAR) NGOs in order to prevent them from carrying out SAR there (cf. Cuttitta, 2018a). In the second half of 2016, the European Union also started financing, training and equipping the Libyan coastguard (cf. Cuttitta 2008). These policies are still in place. They are aimed at facilitating unlawful returns of migrants from international waters by the Libyan Coast Guard. The Libyan coastguard arrests and detains migrants who try to escape (at times active war zones) from Libya by boat.

When CNN broadcasted a video in mid-November of a slave auction of African migrants in Libya, migrants' situation in Northern Africa became the real theme of the 5th African Union-European Union Summit in 2018.

International Organization for Migration (IOM)

The IOM is an intergovernmental organization that works on migration. Its four broad areas of work in migration management have traditionally been migration and development, facilitating migration, regulating migration, and addressing forced migration. IOM, or as it was first known, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME) was founded as a merely operational logistics agency in 1951. The organization received permanent status and its current name in 1989 and has known a rapid expansion since. While IOM had 43 member states and a budget of approximately 300 million USD in 1991, the budget rose to an estimated 1.8 billion USD and 172 member states in 2018 (Migreurop, 2019). Only in September 2016, the organization became a related organization of the United Nations. Its highly earmarked and projectized funding model distinguishes the IOM from the United Nations High Commissioner for Refugees (UNHCR) and other international organizations (cf. Patz and Thorvaldsdottir, 2020). After challenges by Amnesty International (cf. AI, 2003) and Human Rights Watch (cf. HRW, 2007) about the human rights compatibility of some of its operations, the organization's second edition of its constitution states as off 2013 that the organization "undertakes to conduct its activities in accordance with the Purposes and Principles of the Charter of the United Nations and with due regard to the policies of the United Nations furthering those Purposes and Principles and to other relevant instruments in the international migration, refugee and human rights fields." (IOM, 2017a)

At the start of the so-called Voluntary Humanitarian Returns operations by IOM at the end of 2017, most migrants in Libya had been arrested and subsequently detained by Libyan authorities prior to their return. As a consequence of the inhuman and degrading conditions in Libyan detention centres, migrants in Libya reported in this research project that they had felt obliged to accept returns (cf. IOM, 2018). Political scientists Stierl and Mezzadra have characterised this arrangement as a "refoulement industry". Search and rescue activists talk about needing to rescue migrants twice, i.e. from shipwreck and then again "from the risk of being captured and taken back to suffer again the tortures and horrors from which they were fleeing" (Stierl/Mezzadra, 2019). Joining long-standing calls by human rights organisations (cf. AI, 2018), IOM and UNHCR, too, have recently stated that people rescued on the Mediterranean should not be disembarked in Libya and that support to Libyan entities needs to be halted in the absence of guarantees of human rights standards (cf. IOM 2019). By 2019, the proportion of migrants who signed up for IOM returns in Libyan detention centres dropped to 25 percent, with most returns taking place from urban areas in Libya.

Lines between rescue, protection, deterrence and border control are blurry (cf. Sørensen, 2019). This paper explores the extent to which returns can constitute a protection response in the medium and long term, as well as whether returns could also potentially create new protection concerns or other negative policy outcomes for people. With protection concern, the paper refers very broadly to the needs of people for both immediate access to basic services, which are crucial for the right to life and the right to humane and dignified treatment (such as for example emergency medical care, food, shelter, security), as well as to more long-term needs for social protection (access to health care, education, rights). While international protection needs as defined by the Geneva Convention raise important questions, too, the fieldwork sites for this paper were chosen so as to unravel post-return dynamics beyond questions of non-refoulement.

This publication explores connections between returns and protection concerns by relying for its analysis on internationally agreed humanitarian protection principles (cf. Sphere, 2018). Protection responses that respect humanitarian principles need to ensure, for example, that assistance is based on needs and takes into account vulnerabilities. In this spirit, IOM protocols foresee vulnerability assessments that ascertain whether it is considered safe for a person to travel, as well as referrals of vulnerable migrants for further assistance throughout the return and reintegration process. These measures aim at addressing existing vulnerabilities. Humanitarian protection principles, however, also foresee that humanitarian actors need to avoid and prevent harm, support the development of self-protection capacities and empower people to claim their rights. In view of these principles, this paper asks whether returns address

causes of migrants' protection concerns, whether returns create new protection concerns and what support people in countries of origin require with their own avenues for (social) protection and social-economic empowerment.

The publication focuses on return operations from Libya and Niger to respectively Nigeria and Mali. IOM refers to return operations from Libya as 'Voluntary Humanitarian Returns' (VHR) and from Niger as 'Assisted Voluntary Returns' (AVR). The return programs run in both countries vary to some extent. In particular, the geographical and political contexts create different challenges for migrants and impose different constraints in both countries for IOM and humanitarian actors. In contrast to forced and assisted returns from EU countries, however, the here studied AVR and VHR programs are both justified by an emergency context for (transit) migrants and are thus implemented as protection responses. For the purpose of this paper, the author thus regroups VHR and AVR programs from Libya and Niger and refers to them as emergency returns.

Seeking to foreground the lived experiences of returned migrants, their families and other citizens, the paper draws on ten weeks of in-depth qualitative research with returnees, their families and other citizens, as well as with international organizations and implementing agencies in Mali, Niger and Nigeria between January and March 2019.

The paper first outlines the policy context for returns from Libya and Niger to Nigeria and Mali. It then discusses different conceptual approaches to people's needs before, during and after returns. In its empirical part, the paper explores different types of connections between returns and protection concerns. First, the paper looks at causes of protection concern prior to returns. Second, the paper examines whether and how returns create new protection concerns after return. Third, the paper highlights how returnees and their families conceive and construct their own protection mechanisms.

Research methodology

The findings are based on analysis of open-ended interviews with 23 returnees from Libya, 15 migrants in Niger and Mali, as well as institutional background interviews with staff from IOM (21), NGOs (11), national state institutions (10), EU representatives, UNHCR (2) and European development agencies (2). The paper also draws on repeated observations of arrivals of return flights and reception procedures for returnees, visits of transit centers, focal group discussions with migrants run by NGOs and churches and observations of business skill trainings for returnees, which are part of the reintegration assistance programs. In order to avoid bias, the author purposefully avoided asking IOM for introduction to returnees, but instead accessed returnees through referrals by university researchers, church members and community leaders. The data is limited to the dynamics and experiences of return migrants in urban spaces.

Chapter 2
Policy context: returns as an intervention in West Africa migration dynamics

With the increase of arrival rates of asylum seekers and other migrants (cf. Carling, 2015) in Europe in 2015, politicians and policy makers have started to call for stronger and more efficient return policies. This policy orientation has come at the cost of investments into other migration policy options, such as regularization and the expansion of regular pathways (UN, 2018, p. 4). The return turn in migration management has resulted in financial and political investments into increased law enforcement policies in European countries, such as the new European Border and Coast Guard, and in an increase of readmission agreements and other forms of bilateral cooperation, such as for example the Joint Way Forward with Afghanistan and the EU-Turkey Statement (EC, 2019, pp. 15-18). Together, the policy developments have not resulted in significantly higher return rates from destination countries, however – amongst others because of logistical challenges, intrinsic limits of return policies and human rights obligations.In 2017, for example, EU member states ordered 15,600 Nigerian nationals and 4,700 Malian nationals to leave, but only 3,700 Nigerian and 355 Malian citizens effectively left the EU with an order to leave (Eurostat).

Readmission agreements

Under its 2016 Migration Partnership Framework, the EU and its member states have negotiated a number of formal and informal agreements with third countries to facilitate the readmission of migrants to countries of origin and to reduce the numbers of people arriving irregularly at European borders. Through the European Union Trust Fund for Africa, the EU's European Council has furthermore connected the allocation of funds for development aid and emergency responses with its migration agenda and the priorities of the EU's Justice and Home Affairs Council (cf. EC, 2016). In Ethiopia, Niger, the Gambia and Morocco, for example, development projects have been approved in parallel with progress in the negotiations of agreements on returns and readmission (cf. Oxfam International, 2020).

In comparison to deportations from Europe, return operations from so-called transit countries occur at a much greater scale. Between March 2017 and November 2019, IOM returned 30,869 migrants from Libya, 29,337 from Niger and 2,522 from Mali. Countries of origin who received the most returnees through these return flows in this period were also important countries of origin for migration flows to Europe (EC, 2018, p. 12), notably Nigeria (15.707), Mali (14.628) and Guinea (13,084). In this manner, one could argue that returns from so-called transit countries contribute to the externalization of border control functions.

Terminology around returns

Different positions exist on how to refer to the work of IOM in Libya and Niger. Interviewed migrants in this research project very often talked about their return as an act of *"deportation"*. IOM and EU member states talk about *"assisting migrants in need to return to their countries of origin upon their request"*. In doing so, the operations are framed as an exclusively humanitarian action, which has no connection with broader migration management logics of those who fund the operations. This paper uses the descriptive and neutral terminology of *"returns"* when referring to IOM operations that transport migrants from Libya and Niger to countries of origin. Referring to IOM operations as return operations does not imply an assessment of the degree to which migrants requested or consented to the return – amongst others because of dire conditions in Libya or Niger.

AVRs started as an alternative to deportation from countries of destination. Key principles for IOM are that returns should be voluntary, humane and dignified. Support after return should make reintegration sustainable so that people do not feel obliged to migrate again (cf. IOM, 2017b).

In 2008, IOM started operating AVRs also from so-called transit countries. The idea was "to offer alternatives before the lack of alternatives made migrants vulnerable". After 2015, the EU increased its financial investment into IOM's operational capacity along the Central Mediterranean routes. This resulted in May 2017 in the launch of an EU-IOM "Initiative on Migrant Protection and Reintegration", financed under the EUTF. It is covering almost all countries in North Africa, the Sahel and Lake Chad and the Horn of Africa. The Joint Initiative foresees activities for "capacity building", "protection and

EU Trust Fund for Africa

In November 2015, European and African heads of state and government created the 'EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa.' Pooling together resources from EU member states, the European Development Fund and the EU budget, the EU Trust Fund for Africa was initially a financial instrument for the action plan of the agreed shared approach to migration of the Valletta summit (for a critique of the lack of transparency in the management of these funds and connected potential violations of public procurement law, see Spijkerboer/Steyger, 2019; and Vermeulen/Zandonini, 2019). The action plan was designed to address the root causes of irregular migration and forced displacement; enhance cooperation on legal migration and mobility; reinforce the protection of migrants and asylum seekers; prevent and fight irregular migration, migrant smuggling and human trafficking; and work more closely to improve cooperation on return, readmission and reintegration. Humanitarian NGOs have challenged the financial instrument for tying official development assistance to Europe's desire to stop irregular migration and reach agreements with African countries on the return of their nationals (cf. Oxfam International, 2017 et. 2020). Despite criticism, this crisis response model will most likely be mainstreamed into development policy under a new "neighbourhood, development and international cooperation instrument" with the next EU long-term budget, the 2021-2027 Multi-Annual Financial Framework (MFF).

voluntary return assistance", "reintegration support", migration data collection and analysis, information and awareness raising activities, as well as "community stabilisation". The voluntary return assistance and reintegration support activities of the EU-IOM Joint Initiative offers assistance with returns and reintegration to migrants who are stranded in countries that are on the route to Europe, notably Libya, Niger and Mali, as well as Burkina Faso and Mauritania.

African citizens, however, also migrate to countries on the African continent that are not simultaneously transit countries for Europe-bound migrants. Malians, for example, have long-established migration routes with the Ivory Coast, Ghana, Equatorial Guinea, Angola and South Africa and have found themselves in situations of great distress in the Ivory Coast and Angola, as well as to a lesser degree Liberia and Zambia (Gary-Tounkara, 2013, p. 53). Whether or not Malians abroad can count on return and reintegration programmes as protection response, however, depends on the priorities of donors. Malian migrants in the Lake Chad basin, Saudi Arabia, Angola and Mozambique, for example, are not able to benefit from IOM's return and reintegration assistance. The choice of countries from which IOM returns migrants thus reveals the eurocentric bias of donor priorities.

According to the initial plan of the EU-IOM Initiative in March 2017, 20,000 migrants should have been returned over three years from Libya, Niger and Mali to 13 countries of origin. After the CNN revelations in November 2017, AU-EU-UN Taskforce asked the IOM to accelerate returns by returning at least 15,000 migrants from Libya in six weeks (cf. IOM, 2018b). A number of African states, such as Niger, Nigeria and the Democratic Republic of the Congo, also participated by returning roughly 5,000 nationals stranded in Libya. This process was facilitated by a tripartite AU-EU-UN Taskforce and funded by the EU Trust Fund for Africa. After these emergency returns from Libya, IOM has continued to operate returns in North and West Africa from predominantly Libya and Niger, but also Mali at a considerable scale. Between March 2017 and November 2019, for example, IOM returned over 40,000 migrants from Libya and Niger together.

The change of scale in returns has had an impact on IOM's capacity to implement programmes for reintegration assistance that are part of the budget for the EU-IOM Joint Initiative. In Mali, IOM received 10,000 returnees between May 2017 and January 2019, but according to its own estimates had been able to provide support only to roughly 1,000 individuals (i.e. 10 per cent of returnees). In January 2019, there were plans for support of further 2,000 returned individuals. As IOM had

Three migrants, who want to leave for Libya, are waiting in Niger before crossing the desert.

only been able to contact 4,000 out of 10,000 returnees, the proportion of returnees with access to support after return is unlikely to have massively increased since. In Nigeria, the percentage of returnees who have benefited from reintegration assistance is higher, but still relatively low. Between May 2017 and February 2019, IOM Nigeria according to its own sources has received roughly 12,000 returnees from Libya (89 per cent) and to a lesser extent from Mali, Morocco, Niger and Europe (11 per cent). Out of 12,000 returnees, 9,000 were reachable after return, 5,000 had received business skill trainings and 4,300 had received individual or collective reintegration aid in the form of material goods for businesses. If one also includes access to health services and counselling as reintegration support, then IOM Nigeria supported 7,000 out of 12,000 returnees (i.e. 58 per cent of returnees).

Chapter 3
People's protection concerns before, during and after return

Currently, responsibilities for protection after return are mainly approached through the lens of a body of literature on return and reintegration. This literature was developed largely in connection to operational return programs for voluntary returns, as well as within a development framework. The underlying assumption is that returned migrants will contribute to the development of their community of origin by means of their human, financial and social capital. Academic studies have expanded on this assumption by adding as a variable the type of return trajectory. Depending on whether returns are voluntary, reluctant, pressured, obliged or forced (cf. Newland/Salant, 2018, p. 4), the potential developmental effects of returns will vary (Cassarino, 2016, p. 220). The development contribution of returned migrants will be strongest when they have chosen to return voluntarily because of retirement plans, family reasons, or because the initial objectives for migration were achieved. Development contributions will be weaker reversely when migrants return merely because they have lost their legal right to remain, when they are pressured by their destination country to depart or are effectively forced by means of detention or means of constraint (cf. IOM, 2019b).

But the return and reintegration literature focuses on actual returnees, not migrants who have been issued with return decisions or who are otherwise under pressure to return. As pointed out above, EU member states issue far more return decisions than they are able to implement. Hence, return policies also effect migrants, not just returnees (cf. De Genova, 2002). To capture the impact of return policies in a holistic manner, it would thus be important to also include the impact of threats and pressures to return into the analysis. Collyer, for example, has been able to demonstrate for the case of Sri Lankan migrants that pressure on migrants to return has a negative impact on the development effects of migration (cf. Collyer, 2018). Increasingly pressured or even forced to return through various policy tools, he argues, migrants become vulnerable and have a smaller margin of manoeuvre in their livelihood strategies, impacting thus their capacity amongst others to send money to family networks in countries of origin.

The body of literature on reintegration assistance was also developed in the context of returns from destination countries to countries of origin. The contemporary context of returns from North and West Africa, however, offers yet further challenges to a developmental reading of post-return dynamics. Return operations in Libya (and to a lesser extent those in Niger) are implemented in an emergency context. In Libya, migrants decide to return (IOM has informed the researcher that migrants not only have a right to decline a return, but have also done so in different instances) not because they have achieved their migration objectives or otherwise consider that they can better achieve their life objectives in their countries of origin, but in order to avoid detention, or so as to escape otherwise abusive, exploitative or even life-threatening situations (see also the definition of voluntary returns in the Report of the Special Rapporteur on the human rights of migrants, 4 May 2018). In Niger, interviewed migrants accepted return operations after serious human rights violations and a life-threatening deportation to the desert by Algerian authorities. In view of the particularities of emergency returns from Niger and Libya, this paper challenges the limits of framing people's needs as vulnerabilities when outside and as development issues when inside countries of nationality.

Chapter 4
Returns and root causes of migrants' protection concerns

Interviews with returned migrants illustrate that pull-back operations at the Libyan coast, detention practices in mainland Libya and Algerian deportation practices to Niger are all key to creating the context in which migrants come to accept IOM returns to countries of origin. Return operations offer escape routes from situations of distress, but do not address its causes. Following humanitarian principles, humanitarian interventions need to enable migrants to exercise meaningful choice, requiring thus unconditional access to humanitarian assistance and support for rights-based approaches to mobility, such as the facilitation of regional freedom of movement.

Causes of protection concerns in Libya

In Libya, IOM facilitates access to travel documents necessary for return for migrants who are in either detention or urban areas. Travel documents for migrants from Sudan, South Sudan, Somalia, Eritrea, Ethiopia, Syria, Palestine, Yemen and Iraq are the responsibility of UNHCR (cf. Monella, 2019). Despite the emergency situation in Libya, interviewed migrants complained that they had not freely chosen to return from Libya. During a group discussion, a migrant explained his experiences of ending up in a Libyan detention centre where he no longer had a choice than to return: "The second time we were stopped in the sea, IOM took care of us. [....] We were not allowed to leave the centre. When IOM comes, they tell you, if you don't go home, you will not leave the centre." Another Malian returned migrant voiced his lack of choice about returning in the following manner: "We did not have a choice to accept the return or not. [...] IOM will threaten you if you say you want to stay." Despite the humanitarian rationale of return operations from Libya, migrants thus also experience the work of IOM as controlling their scope of mobility and choice. It is important to keep in mind that from the perspective of a detainee, distinctions between IOM staff and Libyan authorities are difficult to operate and uphold. So one Malian migrant reported: "When we were on the road to the airport, they were hitting us with their guns." But IOM policy does not allow IOM staff to carry or use guns, nor to use force when migrants embark on planes. Other returned migrants shared that they had tried to escape from the airport, but had not been able to. "They were securing us." Detained migrants often learn about organizations and agencies first through the logos on the uniform of staff who work or visit detention centres. In the Libyan context, it is also easy for people to swap or buy the uniforms of agencies or organisations who never hired them. While it is not possible to conclude from this interview data about actual practices on the ground, the research data demonstrates migrants' perceptions and experiences of a lack of choice.

While return operations might also be life-saving, migrant narratives suggest that IOM's interventions in Libya reduce their spaces for manoeuvre. In migrants' accounts of why and how they ended up returning with IOM from Libya, migrants often compared their respective scope for action in official places of detention run by government forces and unofficial places of detention run by militia or armed gangs. A young Nigerian man explained how he had tried to avoid a return in an official place of detention: "I did not decide to return. There was no bargaining. [...] Most of us asked whether they could pay money to them to release us. They said no. There is no bargaining. Anyone they put there is under IOM custody and is going to be returned to their country. They refused to anybody. That's how we came back home."

By contrast, an interviewed Malian migrant called Philibert was able to buy himself free from his place of detention. The money for his cousin was to arrive the day after, but a person with an IOM logo on his uniform came before the money arrived. The cousin commented on the arrival of the IOM in this manner: "IOM paid money to liberate us [from an unofficial place of detention] and then brought us to a second detention centre, where we were kept for another month. [...] They did not ask us whether we wanted to stay or go home. The man did not talk to us. He will do like he wants." According to IOM policy, the organisation is not responsible for, nor does it transfer people into detention. Nevertheless, this migrant did not experience the IOM intervention as an improvement during his migration trajectory in Libya.

Causes of protection concerns in Niger

Many of those migrants that accept returns from Niger have been deported from Algeria to the desert at the border of Niger beforehand. Because of IOM's presence at the closest settlement to the Algeria-Niger border, Assamaka,

Border between Algeria and Niger.

IOM was able to provide first humanitarian assistance to 11,606 migrants deported from Algeria in 2018. Deported migrants walk twelve kilometres from the border or are picked up by IOM rescue operation. In Niger, IOM carries out what it calls proactive and reactive search and rescue operations. Pro-active search and rescue operations have been limited in number and mainly concern stranded migrants in Agadez, Arlit and Dirkou. Re-active search and rescue operations occur in Assamaka at the Algerian border. They mainly concern migrants who were forcibly deported by Algerian authorities to the desert in the vicinity to the border with Niger.

Regardless of citizenship or nationality, all deported migrants have access to food and water once they arrive at the settlement next to the border. In 2018, IOM also offered humanitarian assistance to 1,479 migrants who were in distress on other routes or at the border with Libya. Out of the 11,606 migrants who received humanitarian assistance after a dangerous post-deportation walk through the Algerian desert, 8,832 accepted onward transportation by IOM to transit centres in Niger. Returnee interviews put the dangers that migrants are

exposed to during deportations from Algeria to Niger centre stage for their acceptance of assistance by IOM with onward returns from Niger to countries of origin. Boubacar, for example, had very consciously chosen not to opt for an IOM return in Libya. He had left Mali in 2012 at the age of 18. He ended up in Libya because the road was blocked in Morocco. When kidnapped in Libya, he was able to get out thanks to money sent by a travel companion who had managed to cross the sea. After his liberation from the kidnappers, he chose not to opt for the IOM return from Libya because he had nothing in his hands to show to his family upon return. He instead went to Algeria to earn money for another boat crossing. In Algeria, however, he was deported to Niger. He had to walk fifteen kilometres through the desert before he was rescued by IOM. Only after his life-threatening deportation from Algeria, did he accept to return to Mali.

While IOM offers transportation to deported migrants from the desert to Assamaka, access to the shelter and onward transportation to the city of Arlit is provided only for migrants who consent to return to their country of origin. IOM's programs are hence not designed to provide

shelter services for all migrants in Niger, but only for migrants wishing to avail themselves of the option to return voluntarily. It is possible for deportees from Algeria to first sign up for AVR and thus to benefit from transportation and shelter in respectively Arlit, Agadez and/or Niamey and then to later opt out of return programs by leaving respective transit centres.

IOM's presence at the border between Niger and Algeria is a delicate balance between different functions. At the border settlement Assamaka, IOM Niger follows humanitarian principles in terms of providing unconditional access to food, water and medical aid on average for 24 hours after a deportation. This is the time which it takes on average for IOM to organize transportation from the border settlement to Arlit, Agadez or Niamey. For access to transportation and shelter, however, IOM Niger follows logics of migration management. In line with these logics of migration management, only those migrants who accept returns can become part of the target group of IOM's humanitarian work. Although exceptions are made, IOM offers in principle transportation from Assamakka to Arlit only to those deportees who accept to return to their country of origin (IOM Niger, 2018). Access to IOM's shelter in Arlit is thus requires consent to cooperate in preparations for a return to countries of origin. Those who do not accept to return to their countries of origin can seek re-entry to Algeria through transporters directly in neighbouring villages. Because of a change of law in 2015, NGOs in Niger can only very partially provide migrants with access to shelter outside of a return or resettlement perspective. Others travel first to Arlit, where they can then receive money transfers from family members, and then travel back to Algeria or elsewhere. Because of a change of law in 2015, NGOs in Niger can only very partially provide migrants with access to shelter outside of a return or resettlement perspective.

After every deportation from Algeria, IOM staff at the border raises awareness amongst deportees about the possibility to sign up for assisted voluntary returns in Niger. Return programmes are not an appropriate policy tool for all deportees, however. First, Algerian authorities have since December 2018 started to deport to Niger in isolated instances also small numbers of Yemenis, Syrians, Palestinians, Bangladeshis and Tibetans. Some of these deportees were holder of Algerian refugee cards. Some of these deported refugees were referred to UNHCR Niger, others paid smugglers to re-enter Algeria. Second, deportees who are citizens of Economic Community of West African States (ECOWAS) effectively enjoy freedom of movement in ECOWAS countries. Some deportees from Algeria are thus right holders as ECOWAS citizens in Niger. While IOM has referral systems in place to ensure migrants with special needs are referred to relevant actors such as the Nigerien government and NGOs that collaborate with the UNHCR, the support offered close to the border nevertheless focuses on returns rather than people's rights. Deported migrants from Algeria do not receive the support they need to document and remedy rights violations during their deportation from Algeria. In practice, deported migrants who do not want or cannot return to countries of origin travel back to Algeria by their own means.

Advocacy against policies and practices that create harm and violate people's rights are part and parcel of the responsibilities of humanitarian organisations. According to a humanitarian logic (cf. Sphere, 2018), resources for shelter, food and health care should also be spent on supporting those most in need – and not those who adhere to return. As an important actor in the region whose budget has increased rapidly in the last ten years, the IOM has a special responsibility to negotiate the objectives and target groups of humanitarian programs with funders in a way that is coherent with humanitarian principles.

Chapter 5
Returns and new protection concerns after arrival

Interviews with returned migrants illustrate that returnees face protection needs also after return. The conception of "reintegration" presupposes a prior integration into a pre-existing social, political and economic system. Migrants in Libya and Niger however return to countries of origin that are structurally weak. A holistic approach to post-return dynamics thus also invests into educational systems and social security mechanisms, pays attention to the rights of trafficking and torture victims, as well as the risk of migrants becoming internally displaced after return.

In the pre-departure phase, IOM operates with agreed protocols and standards for vulnerability assessments prior to assisted voluntary returns, as well as upon arrival in the country of origin. These protocols are implemented in an adjusted manner in the Libyan context. Recognizing the limited scope of maneuver for migrants in Libya, IOM refers to assisted returns from Libya as "Voluntary Humanitarian Returns" and carries out shortened vulnerabilities assessments in Libya in the pre-departure phase.

After arrival of returned migrants to countries of origin, IOM seeks to support people's most pressing needs, as well as livelihood projects through a so-called "integrated approach to reintegration." IOM's protection upon return focuses on pre-existing vulnerabilities that are connected to specific characteristics of returnees, such as the protection needs of minors, pregnant women, victims of trafficking or people with health care needs. For example, in Nigeria as the charter flights from Libya arrive at the airport, Port Health and the National Emergency Management agency deploy healthcare staff and two ambulances who work alongside IOM staff to respond to potential medical needs of the returnees. In the weeks and months after return, however, returned migrants also struggle with new social protection concerns such as health care costs, school fees for children and homelessness. While assessments to identify vulnerabilities were mainstreamed by IOM at a policy level, access to additional support from IOM for amongst others health care needs and school fees has so far proven to be difficult for returnees in practice. Migrants who want to access further assistance with vulnerabilities that emerged after the return have to be able to establish contact with IOM staff. Because of the extremely heavy case load that IOM staff are currently dealing with, interviewed returnees have found it very difficult to get through to IOM staff on the phone. Interviewed returnees shared stories of needing to travel repeatedly to IOM offices to wait there for long hours. IOM Nigeria also accepts that returnees send documents for the validation of their reintegration via email. But none of the interviewed returnees were aware of or using these possibilities.

The economic situation of returnees is often so volatile that they cannot afford the transport cost to IOM offices and thus give up on trying to access additional support. Pro-active monitoring by IOM staff of reintegration cases could offer the potential to identify vulnerabilities and needs for further assistance, but has so far been implemented in liminal ways – partly because it is very difficult for IOM staff to be able to stay in contact with returnees. This can be illustrated by the following example: With a cohort of 12,000 returnees, IOM Nigeria with three M&E staff had in March 2019 been able to run the survey on assisted voluntary returns with 228 returnees. 1,289 individuals out of 12,000 for whom reintegration assistance had been completed, IOM Nigeria had run surveys on reintegration assistance with 136 returnees and on sustainability with 19 returnees.

Returns can also feed into protection concerns in countries of origin in other ways. First, as mentioned earlier, financial investments into return and reintegration assistance has come at the cost of other policy options, such as safe and legal (regional) migration routes or classical structural development aid. In the absence of robust state-provided social security systems, family members in countries of origin look to family members abroad to cover health care costs, school fees and costs for schoolbooks. While waiting for her assisted return from Mali, for example, an interviewed Cameroonian migrant women worried about her own and her brothers' children no longer being able to go to school ever since she had stopped sending money after her deportation from Algeria.

A comprehensive policy response to mobility in North and West Africa hence needs to consider not only individual protection needs of returnees, but also those of family members in countries of origin who might depend on migration and connected remittance for their own social protection (cf. Van Walsum/Alpes, 2014). This requires policy makers to engage thoroughly with the question of how the developmental effects of remittances compare with the developmental effects of reintegration assistance. This question is crucial given that the EU-IOM Joint initiative is funded by development funds of the EU Trust Fund for Africa (cf. Oxfam International, 2017 and 2020). If the effects of reintegration assistance is not positive for the development of countries of origin, then it

should not be financed through official development assistance. Alternative approaches to return and reintegration assistance would be the creation of safe and legal migration routes and labour migration programmes.

Remittances

Remittances are the money or goods that migrants send to families and friends in countries of origin. Remittances can contribute to economic growth and to the livelihoods of developing countries and often exceed official development aid. Migrants in legal migration pathways will find it easier to send remittances.

Second, returnees can find themselves with less of a network for social support upon arrival than before their initial migration project. In the absence of a functioning social security system in countries of origins, family and social networks are crucial informal mechanisms for social protection. Families in countries of origin often understand returns as failed migration project for which migrants carry an individual responsibility, however. In the case of the Nigerian woman, Martha, for example, her uncle did not accept that she had returned from Libya. He accusingly asked Martha why she had returned: "Your sister is in France. Why did you get deported [from Libya]?" The shame of having worked in prostitution creates additional stigma. It means that returned women at times opt to go to new cities and places in Nigeria, where they can work in prostitution without social judgment. Martha explained in her interview: "As a Libya returnee, if I meet a man, I should not tell him that I've been to Libya. Because that now means that I'm supposed to have done prostitution." While IOM has recognized these dynamics and has started to respond at the project and programme level by implement awareness raising components, the structural limits of reintegration assistance have not been given due attention at the policy level. Comprehensive policy responses need to fully consider that "reintegration" will in many cases be harder than people's initial attempts at setting up life trajectories in countries of origin, rending them thus more, rather than less inclined to travel out after the return.

Third, returns can feed into cycles of displacement if the security situation in their actual places and regions of origin is not conducive to return. IOM's AVR framework foresees that migrants are referred to UNHCR should countries of origin not be considered safe for return. This approach, however, only accounts for respect of the principle of non-refoulement, leaving aside migrants' social and economic human rights (Alpes/Majcher). It also only considers predominantly the country level, leaving aside important variations inside of countries. In some cases, returnees have been already internally displaced prior to their migration trajectory, or they risk becoming internally displaced after return. Nigerians from the Lake Chad basin and Malians from Centre and North, for example, will not be able to return to their cities and villages of origin if they still fear security threats. A comprehensive policy response to mobility in North and West Africa hence needs to examine potential protection concerns in relation not only to countries, but also to regions and places of origin.

Chapter 6
Returns and locally valid mechanisms for protection

How do returnees themselves go about meeting their needs and aspirations after return? The purpose of this chapter is not to assess IOM projects or programmes, but to place migrant practices and experiences back into a broader policy context beyond returns. A juxtaposition of the use of migrant remittances with reintegration assistance broadens the analysis of return operations as a protection response and points towards the need for more rights-based approaches to mobility.

First, the narratives of returnees illustrate that remittances from family members in Europe can continue to be key for the social protection of families even when returnees do indeed benefit from reintegration assistance upon return. Although Seydou was equipped with an IOM-financed motorbike, for example, his daily income was not enough to pay for his own accommodation, let alone to support his family in the village with health care needs or tuition fees. Even after having been able to access reintegration assistance, Seydou thus continued to plead with his brother in France to pay a broker for his visa for France. While Seydou's brother refused to bring him to France, he agreed after a fight to send money to Seydou so that he could respond to family problems in the village and thus fulfil his obligations as a responsible adult. Remittances from France enabled him to maintain his honour and social function as a responsible male adult in both his place of residence and his village of origin. Transcontinental migration remained crucial to Seydou's life despite the material support of the motorbike by IOM.

Second, interviewed returnees in this study were the most resilient after return when they had been able to buy plots of land, build houses or support family members with remittances during their migration trajectories to often several countries in West Africa. Contrary to the logics of reintegration assistance which in practice so far mostly becomes tangible for returnees in the form of business skill trainings and small-scale stores, migrants (mostly in Algeria) chose to invest their remittances first and foremost to purchase a plot of land and try and build a house in their countries of origin. In only six months abroad in Algeria, for example, the Cameroonian migrant woman Martha had been able to make sufficient savings for her brother to buy a plot of land and to build a house for her and his children. While waiting for her return to Cameroon, she explained: "I can return to Cameroon. I'm not renting. I have a house. In six months abroad [in Algeria], I was able to build a house. We are outside because outside we are better paid." Even though reintegration assistance is increasingly seeking to intervene also at the community level, a project-driven approach to reintegration cannot address income gaps in countries of origin, transit and destination. These income gaps, however, are one of the multiple and complex reasons why people leave their countries to work abroad. Hence, the use of development funds for return and reintegration assistance needs to be examined and compared with the developmental benefits of remittances.

Third, interviewed returnees might accept returns from Libya and Niger because of emergency situations, but still continue to consider geographical mobility key to their social mobility. People's determination not to give up on migration aspirations after a return emerged in interview material, but was also evidenced by the number of interviewed returnees who in fact had already returned and re-migrated several times beforehand. Moreover Ivoirians and Cameroonians for example are known to pretend to be Malians when in detention in Libya. The Malian Embassy is more present than other embassies in Libya and thus more able to provide travel documents for those in detention. Returning merely to another transit country allows migrants from the Ivory Coast or Cameroon to avoid the shame and humiliation they would face with families in places of origin. It also allows them to re-migrate to the North of the continent at a lesser cost because they would not have to return all the way South to their actual countries of origin.

In the experiences of returned migrants social and geographical mobility continue thus to be connected with one another. A policy response that seeks to respect locally valid mechanisms for resilience needs to work also towards opening up safe and legal mobility trajectories in the region and beyond. By creating conditions of possibility for economically viable and physically safe (regional) migration paths, mobility and vulnerability can be disentangled from one another.

Chapter 7
Conclusions and policy recommendations

When considered in isolation, emergency returns respond to immediate protection concerns of individuals. In Libya, agreeing to return allows migrants to leave horrendous detention facilities or highly exploitative living conditions. In Niger, agreeing to return allows migrants to access shelter, health care and food, often after unlawful and life-threatening deportations by Algerian authorities. Within a broader and more long-term picture, however, return policies do not address root causes of vulnerabilities for migrants. Interviews with returned migrants illustrate that pull-back operations at the Libyan coast and Algerian deportation practices to Niger are key to creating the context in which migrants come to accept IOM returns to countries of origin.

After return to countries of citizenship, returnees continue to face protection needs, notably in the form of access to health care and school fees. In the face of often either absent or otherwise malfunctioning social security systems, reintegration assistance for individuals can only partially address these needs. In the interviews of this study, social-economic empowerment furthermore remained closely connected with geographical mobility also after first returns. Consequently, returnees continue to try and realize ambitions for social mobility and protection through repeated travel attempts.

The following policy recommendations connect the above insights with humanitarian protection principles, i) avoiding and preventing harm, ii) empowering people to claim their rights, iii) supporting the development of self-protection capacities, and iv) needs-based assistance.

1. **Migrants' protection concerns in North and West Africa are not inevitable, but actively caused by certain types of policies.**

• Current deportation practices of sub-Saharan nationals from Algeria to Niger constitute a flagrant violation of international law and render migrants extremly vulnerable. International organizations, the European Union and the Government of Niger must take a firm and public stance against these practices, and critically investigate potentially negative repercussions of available return services in Niger on deportation practices from Algeria.

• The European Union and EU member states should stop funding Libyan coast guards. Instead they should ensure proactive search and rescue operations in the Central Mediterranean, establish mechanisms for predictable disembarkation and relocation, protect migrants and refugees' rights in migration-related cooperation with Libya and commit to

Migrants waiting in front of the IOM transit and assistance centre for migrants in the Saharan city of Agadez.

global responsibility sharing and to facilitating regular migration pathways.

2. **Migrants' protection concerns in North and West Africa can be addressed by empowering migrants to claim their rights.**

• Return programs need to pay closer attention to the rights of people who have been internally displaced, tortured or trafficked before or during migration trajectories. Victims of trafficking and torture should have meaningful access to an asylum procedure or a relocation mechanism to a third country as an alternative to return to countries of origin.

• Because the developmental potential of migration can be harnessed better if migration routes are safe and legal, African states, and ECOWAS member states in particular, should defend and support regional development and free movement, such as the Agenda 2063 and the 1979 ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment.

3. **Migrants in North and West Africa and citizens in countries of origin have their own self-protection mechanisms.**

• Interviewed returnees struggled to set up viable life projects even if they had been able to access reintegration assistance because of the costs of health care and education in countries of origin. Rather than invest into individual or collective business projects of returnees or awareness-raising campaigns about migration risks, resources of the European Union Trust Fund for structural investments could hence be channelled more fruitfully into structural development aid that invests into education systems and social security systems in countries of origin.

• Interviewed returnees were the most resilient after return when they had been able to buy plots of land, build houses or support family members with remittances during their migration trajectories. Returnees' capacity to successfully build up new life projects in countries of origin hence also benefits from the existence of free and safe avenues for both regional and international migration.

4. **Funding for return and reintegration assistance needs to be based on people's needs and empirical evidence.**

• Humanitarian actors (and their funders) should define the beneficiaries of programs exclusively on the basis of humanitarian needs, staying clear from migration management logics. Only a minority of African migration is destined for Europe. The development contribution of returnees is strongest when migrants have chosen to return voluntarily.

• Development funds should only be used for return and reintegration programs if a positive link with development can be established. The developmental effects of reintegration assistance need to be examined and compared with the benefits and impact of migrant remittances.

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