

Analysis Report

Readmission and Reintegration in Azerbaijan

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This report is the outcome of the Component 5 on Return and Reintegration of the EU-funded 'Support to the Implementation of the Mobility Partnership with Azerbaijan' (MOBILAZE) project. It aims to understand the situation of readmitted returnees to Azerbaijan from Europe and to give recommendations for how to deal with their successful reintegration.

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I. Project background and purpose of the report

The EU-funded project 'Support to the Implementation of the Mobility Partnership with Azerbaijan' (MOBILAZE) is one of the outcomes of Azerbaijan's continued progress in the implementation of the 'Joint Declaration on a Mobility Partnership between the Republic of Azerbaijan and the European Union and its Participating Member States, signed on December 5, 2013 in Brussels. The project proposal was developed by the International Centre for Migration Policy Development (ICMPD) in close cooperation with national authorities of Azerbaijan responsible for migration management as well as with EU MS co-implementing partners (listed below), taking into account their joint priorities in the area of migration management.

The 36 months MOBILAZE project has started on January 15, 2016 and is being implemented by ICMPD together with 9 co-implementing partner institutions from 7 EU MSs, namely Bulgaria (Ministry of Labour and Social Policy), the Czech Republic (Ministry of the Interior), Latvia (The Office of Citizenship and Migration Affairs of the Ministry of Interior), Lithuania (Migration Department under the Ministry of the Interior and the State Border Guard Service), the Netherlands (Immigration and Naturalisation Service and Repatriation and Departure Service, both under the Ministry of Security and Justice), Poland (Ministry of Interior and Administration) and Slovakia (Migration Office, Ministry of Interior).

The main partners in the Republic of Azerbaijan include the Ministry of Foreign Affairs – as coordinator of the Mobility Partnership implementation; State Migration Service; State Border Service and the State Border Service Academy; Ministry of Labour and Social Protection of Population; Ministry of Education and Baku State University.

The main objective of the project is to support the implementation of the Mobility Partnership between EU and Azerbaijan with specific focus on strengthening the capacity of the government to develop and implement national migration policy.

The specific objectives are corresponding with the five project components:

- To improve the monitoring, analytical and forecasting capacities of the government of Azerbaijan and the migration policy development (Component 1);
- To strengthen the management of labour migration and trade related mobility to and from Azerbaijan and to increase the public awareness about mobility between the EU and Azerbaijan (Component 2);
- To increase the capabilities of Azerbaijan's authorities in the field of document security (Component 3);
- To strengthen the capacity of Azerbaijan's authorities to develop and implement a national asylum policy in line with EU and international standards (Component 4);
- To strengthen the capacities of central and regional state and non-governmental actors in Azerbaijan to implement sustainable reintegration of returned nationals (voluntary returnees and readmitted irregular migrants) (Component 5). The special objective of the Component 5 (Return and Reintegration) is focused on strengthening the understanding of needs and priorities of returned nationals, as well as on enhancing the capacity of the governmental and non-governmental stakeholders to address these needs on national level, or in cooperation with the EU MS partners.

The activities of this Component focus on:

- enhancing knowledge on Azerbaijani returnees and their needs and priorities;
- identifying the post-arrival support mechanisms and proposing implementation measures;
- strengthening the capacity of the government authorities and civil society to implement return and reintegration activities; and
- improving awareness on the basis of existing policies and best practices for Azerbaijani returnees.

The purpose of this report is to understand the situation of readmitted returnees to Azerbaijan from Europe and to give recommendations for how to deal with their successful reintegration.

Information included in this report was collected based on background documents and case studies prepared by the State Migration Service of the Republic of Azerbaijan and ICMPD as well as an entire day focus group with stakeholders held in Baku on November 16, 2016. The focus group discussion gathered representatives from the State Migration Service of the Republic of Azerbaijan, the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan, the Ministry of Education of the Republic of Azerbaijan, the Ministry of Health of the Republic of Azerbaijan, the Ministry of Internal Affairs of the Republic of Azerbaijan, the Commissioner for Human Rights (Ombudsman's Office) of the Republic of Azerbaijan, the State Customs Committee of the Republic of Azerbaijan, the Executive Office of the city of Baku, ASAN Service, Azerbaijan Red Crescent Society, 'Hayat' Humanitarian Support Public Union, International Organization for Migration, EU Delegation, ICMPD and international experts. Finally, a field visit to the city of Sumgait on November 17, 2016, was carried out to understand current support mechanisms in place. This way of data collection can be seen as a rapid assessment, semi-structured data gathering method in which purposively selected participants convene to discuss issues and concerns based on a list of key topics drawn up in advance.

II. Main findings

The EU – Azerbaijan Readmission Agreement was signed between EU and Azerbaijan on February 28, 2014 and came into force on September 1, 2014. The Readmission Agreement does not provide any provisions related to “reintegration”. A similar Agreement was signed between the Kingdom of Norway and Azerbaijan on December 3, 2014 which came into force on June 1, 2015, which is a simplified version.

Thus far, the number of returnees from Europe to Azerbaijan has been modest with the Government of Azerbaijan reporting **193 persons** readmitted from Europe in total since the enforcement of the agreements in 2014 until December 21, 2016. However, Eurostat statistics are higher with **455 people** reported returned in 2014 and **485 people** in 2015. The difference between the government figures and Eurostat figures has to do with the fact that Eurostat numbers include other types of return including deportations, expulsions, voluntary returns as well as readmission. In both statistical sources, Germany and Sweden are the countries returning the highest numbers. While the number of people being returned from Europe may not be extremely high, it is clear that this will continue and that it is necessary to have a framework in place for the successful return and (re)integration of these people, something that is not yet in place.

The current system of assisting returnees consists of SMS meeting returnees at the airport and immediately doing an interview with them to review the readmission process and assess current needs. Depending on the needs that are assessed, SMS refers the individuals to the appropriate Ministry or other state institution on case-to-case basis. However, the referral may take a while to be picked up by the relevant institution because of lack of a comprehensive legal framework establishing the reintegration guidelines which in turn creates lack of coordination and one direct focal point (unit) for such issues in each institution. It became clear from the discussion that there are few established links between the SMS and other authorities with regard to the implementation of the reintegration of readmitted returnees, which is an obstacle to their efficient and effective referral.

The main areas of concern that were discussed in the focus group were:

- cases concerning persons who are in need of **medical assistance or disabled persons**,
- cases concerning the **violation of human rights** during the readmission procedure,
- cases concerning persons who have **educational needs**,
- cases with **employment and social assistance needs**, and
- cases concerning persons who are in need of accommodation as there are no close relatives identified in the country.

Most areas have few case/people concerned. The largest area of concern were issues related to medical assistance (31) and (1) disabled person. Possible violations of human rights committed by the institutions of the EU MS during the readmission process were concerned with less than 10 persons, however, SMS has informed ICMPD after the focus group discussion that such cases were again reported. Issues of lack of access to the labour market concerned 11 persons. Issues related to education concerned 6 persons. Issues of temporary accommodation concerned 21 persons by the end of 2016.

Normally, cases regarding **medical needs** were referred to the **Ministry of Health**. However, since there was no direct contact point, action taken by the Ministry of Health likely took longer than necessary.

Cases regarding the possible **violation of human rights** consisted of complaints with regard to harsh treatment injuries from use of physical force, confiscation of personal belongings and money and prohibiting use of telephone – before and during readmission/return supposedly committed by the representatives of the EU MS institutions responsible for return. It seems that there are issues related to knowing what recourse is available should a violation occur. However, there is no established mechanism on how these cases should be collected, reported and followed by the state institutions of Azerbaijan.

Cases regarding access to the **labour market** mainly refer to the provision of information on available jobs on the national labour market, issues related to qualifications raising, and with regard to unemployment benefits (which returnees do not have access to because they do not have a recent employment history in Azerbaijan). Returnees don't have access to unemployment benefits but officially they should have access to the minimum income benefit (social assistance). Again, as in previously reported issues, there is no established mechanism where and how returnees should apply to receive support in employment. A useful service which can provide support to returnees is the Employment Office, which matches available jobs with jobseekers, including returnees, and provides training courses to job-seekers. **The services of employment offices should be made clear to returnees upon arrival.** On the other hand, employees of the employment service should be aware of the specific situation of returnees and should be ready to respond to their needs respectively, which again requires development and enforcement of the reintegration framework in Azerbaijan.

Cases related to **education** had to do with educational needs of children, including continuation, enrollment into national schools and language courses while educational needs of adults had to do with language and professional education. Recognition of qualifications and in some cases lower level schooling can be an issue in the case of returnees, and a specific approach needs to be elaborated in this regard.

Cases related to **accommodation** upon return mainly deal with possibilities to provide temporary social accommodation for persons with no accommodation possibilities and financial means to rent an apartment. Another important point is how to deal with proving that persons are in need of social accommodation and particular attention should be paid to vulnerable groups (families with children, unemployed, persons in need of medical assistance, elderly persons, single parents, etc.). At the moment, there is no referral mechanism in place with regard to how these persons could be taken care of. There was some experience in providing temporary accommodation to such persons, but this was done via international projects, and once funding was not available anymore, this practice also stopped.

In addition, the issue of **ID documents and registration** was discussed during the focus group discussion. It is obvious that many of above mentioned reintegration services are not available or accessible if persons do not have ID documents or valid registration. These issues are within the competence of the Ministry of Internal Affairs. Therefore, referral to this ministry should also be established within the reintegration framework. It should be noted that both rapid documents issue and registration (even at the police station, of a person has

no means for accommodation) is possible, however, proper information of returnees on next steps is needed.

It is important to note that thus far, few people returning are reported to have issues in each of these areas; perhaps, with the exception of health issues and maybe housing. However, since the total number is also small, health and housing issues turns out to be more than 50 per cent of cases identified by the end of 2016. Since it is clear that returns will continue it is necessary to have a streamlined process in place to be able to take care of additional needs that returnees may have.

Since January 2013, Azerbaijan has set up 11 ASAN (Azerbaijan Service and Assessment Network – the acronym means “easy” in Azerbaijani language) service centres throughout the country, in which 11 ministries or other government agencies are present, making it easy for individuals to handle their affairs with the government, such as paying taxes, birth registration, issuance of identity documents, etc. The following organisations are presented at every ASAN service centre:

- Ministry of Justice,
- Ministry of Internal Affairs,
- Ministry of Taxes,
- Ministry of Labour and Social Protection of Population,
- Ministry of Economy,
- State Committee on Property Issues,
- State Customs Committee,
- State Migration Service,
- National Archive Department,
- State Service for Mobilization and Conscription.

In those regions of Azerbaijan where ASAN is not physically located, ASAN mobile units (buses) containing 4 (Ministry of Justice, Ministry of Internal Affairs, State Social Protection Fund at the Ministry of Labour and Social Protection of Population and State Committee on Property Issues) of the above organisations circulate. In general, Azerbaijani citizens seem quite satisfied with ASAN provided “one-stop-shop” approach, as they no longer have to visit different offices, and matters are dealt with professionally and efficiently. There are plans to increase the number of ASAN service centres. The ASAN service centres not only offer helpful services to the regular population, but returnees also would have access to the one-stop-shop of ASAN for their needs upon return. However, it may not be clear that this service exists to returnees as this is relatively new to Azerbaijan and some returnees have been away for many years. For example, during the field visit to the region – city of Sumgait, the employees of the ASAN were not experienced in work with returnees. **Therefore, it is important to make sure that this information gets to returnees directly upon their arrival.** However, the employees of the services presented at ASAN should know how to react in cases when a returnee approaches them, or at least, should be able to get a consultation at the respective ministry’s or other state agency’s responsible unit.

III. Recommendations

Some key recommendations emerged from the findings specifically having to do with coordination, information sharing and the need for a clear framework for readmission and reintegration.

1. It is clear that **a framework for the reintegration of readmitted persons is currently needed** in which the SMS takes the lead and coordinates with the other relevant Ministries and bodies. A first key point is that **focal points (units) should be arranged in each Ministry and relevant body** to have more efficient lines of communication and problem solving. These focal points should meet regularly with SMS as a group to make sure everyone is up to date on relevant issues and sharing information. The first steps in this regard have been already taken: SMS has recently approached the Cabinet of Ministers of Azerbaijan in order to appoint focal points in all respective state bodies which will be responsible for further referral of returnees, and also for further development of the reintegration framework in the country.

The Annex to this report provides a scheme which can be used as guidelines for reintegration support in Azerbaijan. The scheme is based on needs of returnees discussed during the focus group discussion. In this way, the reintegration guidelines should include the following parts:

I. Introduction;

II. Readmission process and registration of returnees;

III. Information support to all groups of returnees;

IV. Specific support to groups of returnees:

- a) cooperation to support employment of returnees;
- b) cooperation to support health protection of returnees;
- c) cooperation to ensure issue of ID documents and registration of returnees;
- d) cooperation to support educational needs of returnees;
- e) cooperation to provide accommodation to returnees;
- f) cooperation to protect human rights of returnees;

V. Conclusions

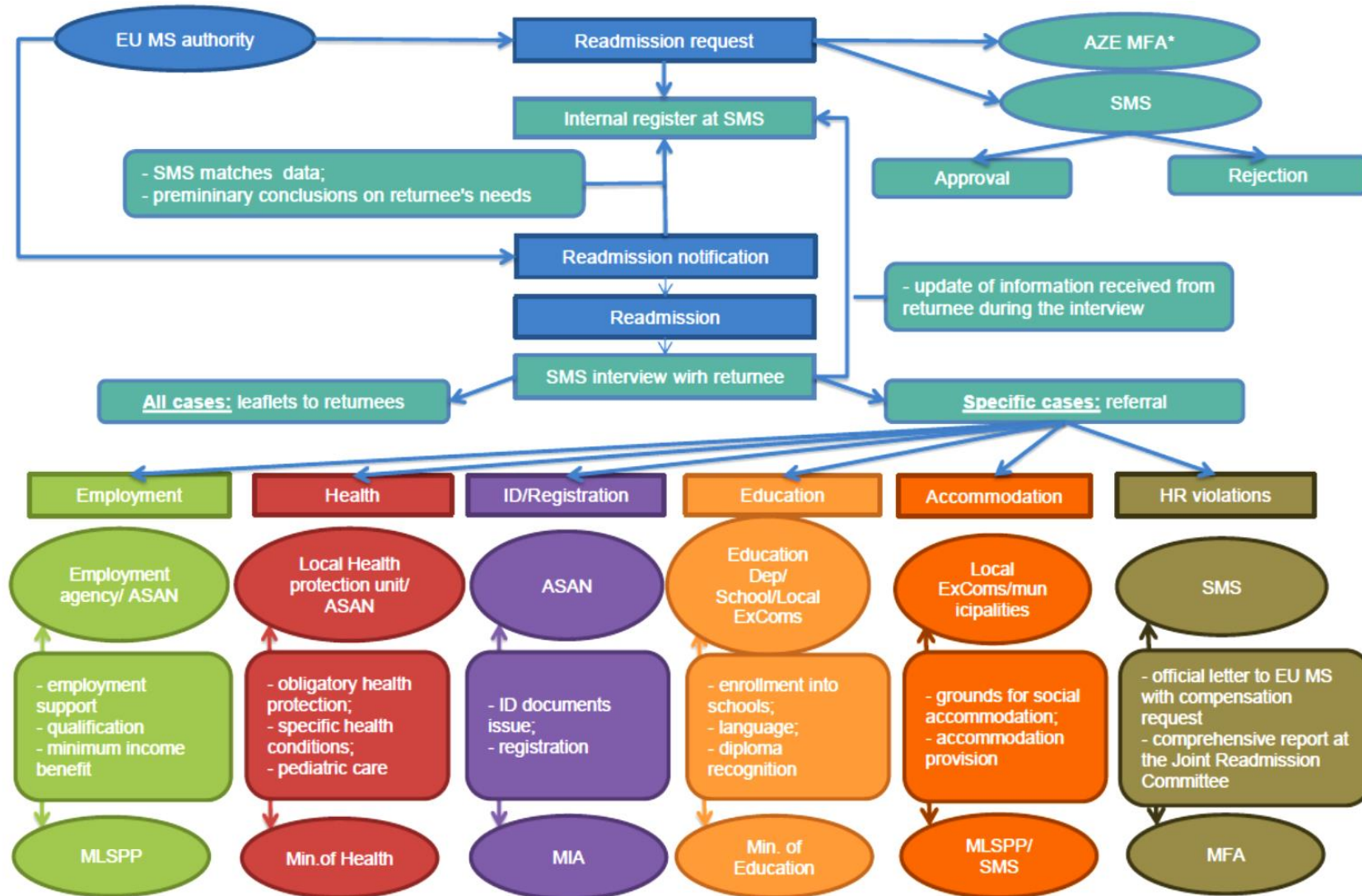
The MOBILAZE project can provide necessary support in drafting process.

2. Information sharing is an area where more can be done both before and after the arrival of the returned person. Information is available on each person being returned since requests are done for this person before they can be sent back. It is important that this information is matched with the person when they are returned to be more prepared for their arrival. Therefore, it is recommended to **establish working contacts or specific focal points with each country that is sending people back**, especially Germany and Sweden to ensure smoother transition of people returning.

3. **When the initial interview is conducted by SMS, an information brochure(s) should be given to the returnee containing relevant information** about how to access different services including information about ASAN service centres, but also information on dealing with health and other issues. This could be practiced even *before* the development and official approval of the reintegration framework. Specific areas of focus should not only be health, but also information on how to deal with human rights abuse claims, issues of access to education, help with employment, how to access social assistance and what to do if there are issues with housing, etc. This information could be contained in one brochure or multiple focused brochures. Focal points should be involved in the drafting of these brochures. The leaflets provided by returnees once they arrive to the specific local service (ASAN service centres, Employment agency, etc.), can also serve as a source of information for the employee of the service and inform him/her which unit at the Ministry needs to be approached. It is preferable, to have this information also available on-line (on SMS website, for instance). As already mentioned above, this process has been already initiated by SMS, and the MOBILAZE project is ready to provide all necessary support in development and production of the information leaflets.

4. **Best or good practices of other countries should be looked into** with regard to how they deal with readmission and reintegration. Study visits could be set up to get a better idea of these systems.

IV. ANNEX: Proposal Reintegration in Azerbaijan Guidelines



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