



IOM • OIM
INTERNATIONAL ORGANIZATION FOR MIGRATION



UNHCR
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

16 January 2003

Dear Colleagues,

As you all know, IOM and UNHCR are working together to strengthen the strategic alliance between our two Organizations in order to address global realities more effectively. As part of this effort, we have agreed to work on clarifying our respective roles where asylum and migration issues intersect. At our meeting on 1 November to review our cooperation and the implementation of the MOU between IOM and UNHCR, we agreed to issue a joint letter to give guidance on how to practice the partnership on a number of aspects in a key area of importance to us both, namely return of persons who are of concern to UNHCR by virtue of its protection and durable solutions mandate, as well as to IOM, by virtue of its mandate to provide international migration services to such persons. We are both of the opinion that the detailed arrangements for cooperation on returns should be made by our staff on the spot, to take account of particular local circumstances, but believe that some guidance from us on the framework and some specific aspects could be helpful to you.

Return of Afghans

We agreed that a promising framework for the effective voluntary return of Afghans from outside the region would be, wherever possible, of a quadripartite nature, involving Afghanistan, the country from which the Afghans are returning, UNHCR and IOM. Given UNHCR's mandate responsibilities and particular expertise with voluntary repatriation and its designated lead agency role for this in Afghanistan, many governments, both inside and outside the region, are seeking UNHCR involvement in the return of Afghans. Governments are also relying on IOM's expertise accumulated over decades in many countries in developing and implementing Assisted Voluntary Return (AVR) programmes, a key purpose set out under "voluntary return migration, including voluntary repatriation" in its Constitution. Agreements on operational modalities involving both Organizations with the relevant governments would have both practical advantages and help demonstrate that UNHCR and IOM are not competing, but truly working together and complementing each other with respect to a group of beneficiaries of importance to both Organizations and to many governments. We also intend to review this form of cooperation during the course of 2003.

Return of rejected asylum seekers

As you all know, the return of people not in need of refugee protection can play an important role in helping to secure protection for those who do need it, both by helping to ensure for such people access to asylum systems, and by affecting the climate of public opinion and attitudes towards refugees, which, in turn, affects the actions of policy makers. We agreed on 1 November that we would explore more active ways to work together to facilitate the voluntary return of rejected asylum seekers, with IOM strengthening its leadership in this field while keeping UNHCR informed.



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Return of those who have applied for refugee status but seek AVR before completion of the asylum procedure

In addition to rejected asylum seekers, IOM is often asked for its services in assisting people to return home who have applied for asylum, but decide not to await the outcome of the asylum procedure. We have agreed that it will be a universal practice for IOM to inform UNHCR offices of such cases, by providing, in a timely way, a list of names and dates of expected departure. The intention of such a notification is to ensure that UNHCR is aware of the decision, can reassure itself of voluntariness and close its records accordingly. Please note here, that IOM does not require any person still in the asylum system who is seeking AVR to sign a formal withdrawal of their asylum application because the person should have the option to change his or her mind at any time up to the moment of voluntary embarkation. This latter point possibly makes it all the more important that such lists are shared as outlined above.

Persons of concern to UNHCR

We have agreed that UNHCR will work on clarifying this term so that all concerned with potential candidates for AVR can understand what additional measures may be necessary for people falling into this category and who are also persons falling within the mandate of IOM.

We urge all staff of both Organizations to cooperate in this endeavour to give truly practical effect to our cooperation for the good of all the people we serve.

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Director General
IOM

Ruud Lubbers
High Commissioner
UNHCR