GCM Objective 21

Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

Issues

Migrant women and girls, as well as transgender and gender non-conforming migrants, face gender-specific risks related to return and reintegration. Any decision to return someone to their country of origin must be based on a gender impact assessment of the risks they may face, including sexual and gender-based violence (SGBV), domestic abuse, discrimination and risks of being trafficked or re-trafficked. The principle of non-refoulement must always be adhered to.

To ensure the sustainable reintegration of migrant women in their countries of origin, it is critical that they have access to training and financial assistance and to gender-responsive services such as justice and health care, including sexual and reproductive health services and mental health services.

Essential services (including health, police and justice, and social services) for survivors of SGBV are vital. Additionally, countries of origin must ensure that equal opportunities exist for remunerative employment and sustainable livelihoods, adequate job creation, productive use of acquired skills and knowledge and full non-discriminatory access to the labour market.

Contributions made to social security in countries of destination should be transferable upon return to ensure that migrant women are not disenfranchised when they need access to certain benefits such as a pension. The COVID-19 pandemic has highlighted the importance of ensuring safe options for return and readmission of migrant women. Appropriate health screening and quarantine measures need to be implemented, which allow the maintenance of free movement without jeopardizing public health.

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Measures

- Policies mandating that judicial options must be exhausted before forced returns, deportations, removals and readmissions are ordered and that each case be treated individually, with due process and access to justice in accordance with international law and awareness of the gender-specific risks, including to sexual and gender-based violence (SGBV), that woman may face upon return
- Upholding of the principle of non-refoulement in all instances
- Migrant women who are survivors of trafficking must not be forcibly returned from the country of detection
- Migrant girls who are survivors of trafficking should not be returned to their country of origin unless doing so has been determined to be in their best interests via a needs assessment
- Inclusion of portability of social security contributions in bilateral labour agreements (for more details on portability of earned benefits, see Objective 22)
- Training and provision of information, including on repatriation, remittances and vocational learning opportunities, that helps migrant women to return
- Clear rules and regulations regarding responsibilities for migrant returns, including assistance in specific cases where migrant women have been abandoned by their employers, have faced abuse or have medical issues
- Comprehensive socioeconomic, psychological, legal and orientation services for returning women and girls
- Provision of vocational training, financial services and financial assistance to support women's entrepreneurship and/or participation in the labour market
- Support for returnee migrant women in accessing the labour market through jobs fairs, online job postings and skills matching programmes, recognizing the skills and qualifications earned abroad
- Elimination of discriminatory policies and programmes, including compulsory HIV testing for returnee migrant women and moral 'rehabilitation' of young women returnees who may be stigmatized as a result of negative perceptions of their behaviour abroad, including working in the sex industry

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- Access to gender-responsive services for returnee migrant women such as justice and health care, including sexual and reproductive health services and mental health services
- Access to essential services (including health, police and justice and social services) for survivors of SGBV
- Legal aid and access to justice for returnee migrant women who wish to take action against employers or recruitment agencies for abusive or discriminatory conditions and practices
- COVID-19: Implement effective screening and quarantine measures for all returning migrant women while upholding the principle of non-discrimination

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Checklist

Question	Yes	Not yet
Does your State ensure that due process is followed and judicial options exhausted before forced returns, deportations, removals and readmissions are ordered?	○	○
Does your State ensure that migrant women who are survivors of trafficking are not forcibly returned from the country of detection?	○	○
Does your State ensure that migrant girls who are survivors of trafficking are not returned to their country of origin unless it is deemed in their best interests following the completion of a best interests assessment?	○	○
Does your State conduct a gender-specific risks and vulnerability assessment before making a determination on an individual's return or deportation?	○	○
Does your State offer voluntary return and reintegration services to migrant women who are unable or unwilling to remain in countries of transit/destination and wish to return voluntarily to their countries of origin?	○	○
Does your State ensure that the principle of non-refoulement is fully respected in accordance with international law?	○	○
Are migrant women entitled to and provided with full and clear information, in accessible formats for persons with disabilities, on their options for return in a language they understand?	○	○

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Question	Yes	Not yet
Do returnee migrant women have full access to services, including essential gender-based violence services, and to justice in line with other nationals?	○	○
Does your State provide full access to justice and legal aid for returnee migrant women who wish to take action against abusive employers?	○	○
Are compulsory HIV tests for returnee migrant women prohibited in your State?	○	○
Does your State hold bilateral agreements that provide for the portability of earned social security benefits?	○	○
Are there clear rules and regulations in place regarding responsibilities for migrant returns, including assistance in specific cases where migrant women have been abandoned by their employers, have faced abuse or have medical issues?	○	○
Does your State provide returnee migrant women with access to relevant support services, including training and access to financial assistance, to facilitate re-entry into the labour market?	○	○
Does your State provide access to gender-responsive services for returnee migrant women such as justice and health care, including sexual and reproductive health services and mental health services?	○	○
COVID-19: Are there measures in place to provide returnee migrant women with access to COVID-19 testing and safe accommodation for quarantining, as required by national law?	○	○

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Question	Yes	Not yet
COVID-19: Are there measures in place to protect returnee migrant women from discrimination?	○	○

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