

Voluntary Repatriation to Myanmar: verified refugees residing in the nine Temporary Shelters

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On 25-26 October 2016, the first organized voluntary repatriation from Thailand to Myanmar took place. Seventy-one verified refugees residing in the Royal Thai Government (RTG) Temporary Shelters returned to 18 different village locations in 7 different states/regions in Myanmar. Following the request of the United Nations High Commissioner for Refugees (UNHCR), the return was duly authorized by the Government of the Union of Myanmar (GOUM). Between January and May, 2017, an additional 247/70 individuals/households were submitted to GOUM for consideration. In July 2017, a GOUM team from the Myanmar Embassy in Bangkok conducted in-camp verifications. Travel document issuance and movement planning are still pending.

UNHCR underscores the international standards and protection principles associated with voluntary repatriation and will continue to work with all concerned to help deliver this durable solution and ensure that the refugees' voluntary return and reintegration is successful and sustainable. It is anticipated that RTG and GOUM will meet to review these first return movements and processes, and will continue their bilateral preparations for refugee returns in 2017. In doing so, several strategic and operational aspects of the operation warrant further consideration by GOUM and RTG

Tripartite Agreement:

To put in place a robust operational platform in support of large-scale repatriation, UNHCR advocates that the bilateral discussions between RTG and GOUM shift towards a tripartite mechanism (Tripartite Agreement) which would include UNHCR. It can provide GOUM, RTG and UNHCR with a clear operational platform to maximize respective efficiencies and full partnership. Importantly, a Tripartite Agreement will also positively influence refugees'

confidence in return and induce a stronger engagement by other actors including concerned ethnic groups, humanitarian NGOs, CSOs, development agencies and donors.

Authorization to return:

Regarding the pilot voluntary return movements, the time taken between UNHCR's request to the GOUM for refugee returns until the actual day-of-departure was almost 5 months for the first group, and remains pending for the second group. It is evident that the authorization process needed to be streamlined. UNHCR believes that a simpler, quicker process would increase overall confidence in the return process, while having due regard for security issues. During the pilot movement, refugees - and observers - felt they were being overly scrutinized on their right to return home to Myanmar, for example through the nationality interviews conducted in the camps prior to issuing the Certificates of Identity. GOUM should consider providing their return authorization without having to visit the Temporary Shelters.

Border-crossing points:

UNHCR requests RTG and GOUM to consider opening additional border-crossing points, authorized for refugee return movements on agreed dates. Seven border-crossing points are indicated within the Strategic Roadmap and it is felt that an exceptional bi-lateral authorization in this regard, will greatly facilitate the refugees' return and, in some cases, will ease the long journey. Furthermore, transport and overall logistics will be less challenging (and less costly) and travel/convoy security by the RTG will be simplified. From UNHCR discussions with the refugee community, it is felt that opening these additional border-crossing points will also enhance refugees' interest in participating in the voluntary return process.

Transport arrangements and return assistance:

After careful examination of other repatriation operations, consultation with the refugee community and a cost-analysis of the options, UNHCR assessed that the provision of a cash grant covering refugees' transportation costs was a viable, more cost-effective option. Except for vulnerable individuals who require transport to be organized for them, it is also a preferred option for most refugees that can organize their own transport to place of return in Myanmar.

For the first returns in October 2016, the RTG requested UNHCR to organize the transport (through its operational partner, IOM). Subsequently, refugees were provided with a reduced transport grant to assist their travel from the Myanmar border to the location of return indicated on the UNHCR Voluntary Repatriation Form (VRF). As refugee return increases during 2017, it is important to keep this aspect of the operation under close review, not only for cost-effectiveness (and the fact that many refugees can organize their own transport), but also because of the logistical challenges involved in providing organized transport from some of the more isolated Temporary Shelters to agreed border-crossing points.

In terms of return assistance, UNHCR provides a clear and specific "package" of financial support. In connection with the first return movement in October 2016, and the GOUM verification mission for the second group in July 2017, it was observed that various additional forms of support were discussed and/or offered by GOUM. While GOUM reintegration support is critical to successful return (especially as concerns smooth and efficient issuance of civil status documentation, inclusion in Household Lists and ensuring access to schools for children and recognition of prior learning), UNHCR underscores that it remains equally important to avoid ad hoc offers or suggestions of specific individual assistance, however well intentioned, in the absence of a clear and sustainable pathway to providing such assistance. Otherwise, there is a risk of being unable to manage overall returnee

“expectations”, which could negatively impact perceptions and cause needless uncertainty or disappointment.

Dismantling the vacant shelters in the Temporary Shelters:

UNHCR has long-advocated that the vacated housing of all refugee families that leave the Temporary Shelters, either for resettlement or voluntary repatriation, should be immediately dismantled and that a progressive environmental rehabilitation of the land and forest should commence. UNHCR is of the view that, if vacant shelters are not dismantled by MOI, then people that do not meet the refugee definition (and RTG criteria) will come to reside in the Temporary Shelters. This has already been borne out by the fact that although some 105,000 refugees were resettled from the Temporary Shelters since the inception of the Resettlement Program in 2005, all the vacated shelters continue to be occupied by (presumably) new arrivals who are not refugees. This results in a waste of limited RTG, humanitarian agencies and donor resources, particularly at a time when donor support is increasingly constrained and when resources are needed to commence environmental rehabilitation. Moreover, UNHCR believes that the action of dismantling the vacant shelters of refugees who resettle or repatriate, will send an important message within the refugee community - and new arrivals - concerning the compelling need to decide on their futures.

UNHCR is currently mapping the NGO activities in the nine Temporary Shelters to better understand the status of essential humanitarian services, highlighting possible gaps and advocating for donors to continue support for these critical services. In this regard, an official position of the RTG on camp consolidation, camp closure, environmental rehabilitation and the continuation of essential services is required to ensure adequate planning and to mitigate risks.

Managing “new arrivals” in the Temporary Shelters:

Related to the above recommendation, UNHCR respectfully requests the RTG to review the situation of so-called “new arrivals” in the Temporary Shelters that is based solely on a set of entry criteria established by the two Refugee Committees and managed by the nine Camp Committees, without any level of intervention by the RTG or UNHCR. As mentioned previously in this document, the “new arrivals” do not meet the RTG criteria nor the international refugee definition, but appear to be in the Temporary Shelters solely for education or medical purposes.

Birth registration for unregistered:

UNHCR welcomes the important efforts of the RTG, through MOI/OCDP, to address and undertake the issuance of birth certificates for all unregistered children in the 9 Temporary Shelters pursuant to Thai Law. The process is ongoing both in terms of new births and the “backlog”. In the context of increased voluntary repatriation, however, discussion and consideration of a possible expedited and uniform process for those in the voluntary repatriation process would reduce anxiety and enhance protection in Myanmar for returnees.

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