



DOI [10.19181/demis.2023.3.2.3](https://doi.org/10.19181/demis.2023.3.2.3)

EDN [ALHWRI](#)

POLICIES AND REGULATIONS FOR REPATRIATION AND SUSTAINABLE REINTEGRATION IN THE ASEAN REGION

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For citation: Tran Nguyen Phuoc Thong. Policies and Regulations for Repatriation and Sustainable Reintegration in the ASEAN Region. *DEMIS. Demographic Research*. 2023. Vol. 3, No. 2. P. 40–54. DOI [10.19181/demis.2023.3.2.3](https://doi.org/10.19181/demis.2023.3.2.3).

Abstract. *One of the important human rights enshrined in the Universal Declaration of Human Rights and the International Covenant on the Protection of the Rights of All Migrant Workers and Their Families is the right to citizenship. The process of repatriation of migrants and their reintegration into the community at home is of increasing interest to policy researchers as this process is closely related to the link between migration and development. The temporary migration cycle of a worker always includes three important steps: departure, working and living abroad, and repatriation. Sending countries have also made great efforts in supporting migrant workers to return home, implementing repatriation support programs and especially community reintegration programs after returning home. The basis of this paper is to present definitions of reintegration programs for repatriated migrants. From this basis, the research objective of the article was formed to mention the general principles and conditions for support programs for repatriated workers. To accomplish this research objective, the author presents the success and limitations of some programs in ASEAN. The novelty of the research results is to give some recommendations to improve the programs on supporting migrant workers returning home and re-integrating into the community in the coming time.*

Keywords: *migration; repatriation; reintegration; support policy; ASEAN; migrant workers.*

Introduction

Few countries monitor the return of migrant workers or collect data on repatriation. The considerable diversity in forms of repatriation and reintegration further complicates assessment. In the ASEAN region, reintegration efforts for repatriated migrants are still limited. The 11th ASEAN Forum on Migrant Labour (AFML) report shows that while programs and services for repatriation have been established in a number of ASEAN countries, there are no country reports in the region establishing a comprehensive policy or strategy on reintegration [1].

This article deals with the definitions and foundations for reintegration programs. At the same time, the author also discusses the general principles and challenges to be followed in reintegration programs for repatriated migrants. From there, the paper will evaluate the common practices used in the ASEAN region regarding repatriation and finally make some recommendations.

The research goal of the article is to understand the concepts and practices of applying the reintegration policy for migrant workers in the ASEAN region. The research methods used in the article are the comparative jurisprudence method, and the written law research

method through the information provided by the ILO's TRIANGLE program for the ASEAN region. The article has eight sections including: (i) overview of repatriation and reintegration; (ii) impact of repatriation migration on reintegration; (iii) the urgency of the reintegration policy; (iv) how to issue and implement programs to support migration to repatriation and sustainable reintegration; (v) challenges in enacting reintegration policies for repatriated migrants in ASEAN; (vi) some good practices and typical ASEAN regulations on supporting migrant repatriation and reintegration; (vii) some other typical practices and regulations in the world; (viii) some recommendations for repatriation and reintegration in ASEAN.

Overview of repatriation and reintegration

Definition of repatriation migration

Repatriation migration is understood as the migration of workers to foreign countries and then return to the country of origin. According to the United Nations statistics, repatriated migrants are those who return to their countries of origin after becoming international migrants and residing in another country and are intending to stay in their home country for at least one year [2]. This definition suggests the separate use of the terms “the country of residence” and “the country of first nationality” to define an individual's repatriation history. At the same time, migrants can also move to a third country before returning to their country of first nationality, not necessarily only between just two countries.

The ILO defines international migrant workers as all existing residents of a country who were formerly international migrant workers in one or another foreign country. The time spent working abroad for a person to be repatriated as an international migrant worker is relatively short [3]. Regardless of the concept, repatriation can be understood as a situation in which an individual migrates to work and reside in one or several other countries, then intends to return to the country of first nationality to live and work for a period of one year or more.

Voluntary migration

Voluntary emigration means the return to the country of first nationality of one's own free will. The Council of Europe considers that voluntary migration can only be carried out by those who have the legal status to return to their home country¹ in other words, an individual wishing to migrate voluntarily should have the legal right to remain in the host country and be free from detention or violation of rights [4]. From a policy perspective, reintegration is only possible if there is voluntary migration because forced migration cannot be accompanied by reintegration policies. Voluntary migration is proactive because each migrant is able to consider adequate and valid alternatives for residency or citizenship [5].

The opposite of voluntary migration is forced migration. Forced migration is understood as the act of bringing an individual (against their will) back to the country of origin or transiting to a third country that agrees to accept the person through an administrative or judicial decision [6].

Definition of reintegration

There is no agreed upon definition of reintegration. It can be understood as the process by which a migrant returns to the native country to participate in the social, cultural, economic, and political life [7]. Reintegration is a multidimensional and wide-ranging

¹ Position on Return by the European Council on Refugees and Exiles. Brussels : European Council on Refugees and Exiles, 2003. 22 p.

concept, so reintegration is not easy to measure and can be observed at many levels such as the migrants themselves, families, communities, economy and society.

Effective repatriation means that workers return safely to their country of first nationality after achieving their migration goals abroad. Consular missions should advise and facilitate the safe return of migrant workers as part of their initial reintegration policies. Employers should facilitate the return journey of migrant workers after the expiration of their working period in accordance with the labour contract. Sending countries and communities should provide adequate reception services for returning migrant workers. Returning migrant workers should be encouraged to register with central and local authorities to facilitate access to support services when needed.

Effective reintegration means workers return and are able to connect with their families and communities, contributing to their economic and social development. In addition, sustainable reintegration is understood as a situation in which migrant workers stay in the native country for a long time without attempting to re-migrate. The concept of sustainable reintegration does not apply to the end of the migration cycle. In the context of well-executed migration policy, repatriation can be a step in the migration cycle, but not necessarily the end. Sustainable reintegration is therefore seen as the integration of repatriated migrants into the economic, social, and cultural processes of the country of origin and feeling that they are in a safe and secure environment upon return [8].

Impact of repatriation migration on reintegration

There are several types of repatriation migration such as irregular migration (return of permanent residents who have settled in other countries) or seasonal migration (return of temporary workers when their labour contracts abroad terminate). The timing of migration is important because if migrants return with their qualifications, skills, accumulated work experience and social networks with people in the host country, their contribution to the migration repatriation will be larger and reintegration easier. On the contrary, if the time of labour migration is only for a few months abroad, it may be more difficult to reintegrate after migrating and repatriating.

There are many reasons for repatriation migration, such as after completing migration goals, retirement, lack of success and inability to integrate abroad, family problems, rejected asylum applications and deportation from another country. A cycle of temporary migration often occurs for migrant workers who are obliged to return to their country of origin at the end of their contract, especially in countries in Asia and the Middle East. As for the long-term migration cycle, it usually happens to individuals who migrate for a long time and they may then decide to return either to retire, or because the conditions of residence or settlement have changed forcing them to return, or because they have achieved their long-term migration goals.

The most common reason given by workers is to miss their homeland and family [9]. Less than 6% of workers in the ASEAN region said they had saved as much money as they planned [10]. Forced migration due to deportation in the ASEAN region also ranges from 2% to 4% [11]. According to a survey of Myanmar citizens in Thailand, the most common reasons for repatriation are visa expiration, work permit expiration, deportation, invalid documents, return home to visit family and friends [12].

Effective reintegration programs largely depend on the voluntariness of repatriation and a decline in the rate of relocation. Returning migrants should be given the freedom to plan for their reintegration. Forced migration rates are often low for ASEAN citizens

as the majority of migrants from ASEAN will go to countries in East Asia or in the Gulf Cooperation Council (GCC) under temporary employment contracts [13].

Assisted repatriation migration is one in which migrants are provided with some assistance to return and reintegrate. Typically, the voluntary return and reintegration (AVRR) programs have been run by the IOM for over 40 years, with a scope for rejected asylum applications and irregular migrants. Support for repatriation migrants is administrative, logistical, or financial assistance to migrants who cannot or do not wish to remain in the country of importation or transit and wish to return to their country of origin [14]. Assisted repatriation also includes reintegration programs, and this model is mainly developed in Europe [15]. Through the global organizations IOM helped 72,176 migrants return to their country of origin in 2017 [16].

The urgency of the reintegration policy

ASEAN countries need to give more priority to the reintegration of repatriated migrants because migration policies focused on overseas employment expansion and remittances have not been given due attention [17].

In 2015 and 2016, more migrant workers returned to Indonesia than left the country to work abroad, so the net migration rate in the country recorded negative growth². Therefore, the rate of repatriated migrants in some ASEAN countries is often higher than the rate of labour migration abroad, so policies on reintegration after repatriation need to be prioritized [18]. Without a comprehensive reintegration support framework, returning migrant workers have to experience many difficulties, affecting their ability to reintegrate into the community and may suffer a lot of psychosocial traumas in the search for sustainable livelihoods.

Several commitments and recommendations were made during the 4th ASEAN Forum on Migrant Workers (AFML) to support the reintegration process³, such as: (i) policy setting to facilitate the migration of workers, including recruitment and protection of migrant workers while abroad and upon repatriation for reintegration; (ii) establish and implement human resource development and reintegration programs for repatriated migrants; (iii) protect and promote the rights of migrant workers [19]. Human resource development and reintegration programs can be an employment program that takes into account skills acquired abroad. Protecting and promoting the rights of repatriated migrants can include securing the right to form associations, participate in policy making and programs affecting migrant workers and access support for repatriated migrants and their families in accordance with national regulations and policies.

In Indonesia, the government's reintegration program for repatriated migrant workers has been implemented with the aim of improving skills through three subjects: (i) repatriated migrants who have completed their employment contracts; (ii) forced migration of workers who have not fulfilled their contract period; (iii) families of these two groups of people [20]. In the Philippines, the National Center for Reintegration has special programs

² International Labour Migration Statistics Database in ASEAN (ILMS) // International Labour Organization : [site]. URL: https://www.ilo.org/asia/WCMS_416366/lang--en/index.htm (accessed on 20.03.2023).

³ Recommendations of the 4th ASEAN Forum on Migrant Labour // International Labour Organization : [site]. URL: https://www.ilo.org/asia/projects/WCMS_213738/lang--en/index.htm (accessed on 20.03.2023).

for undocumented repatriated migrants and migrant workers⁴. In Vietnam, policies to support workers returning to work abroad in poor districts have also been applied [21].

The main pillar of the relationship between migration and remittance development is the migration and repatriation of workers. This role should be promoted to positively influence the development of countries in the ASEAN region through appropriate policies [22]. Return migrants are a high-quality workforce, ready to re-acquaint themselves with the local working environment [23]. Repatriated migrants can assist in the transfer of skills acquired abroad because they can contribute social value and social capital to the benefit of the home economy [24]. Repatriated migrants can stimulate investment in new businesses or tend to be self-employed [7].

On the international level, Article 67(2) of the International Convention on Migrant Workers calls for cooperation among states in order to promote economic conditions for resettlement and facilitate for sustainable social and cultural reintegration. The Global Compact on Migration has a similar recommendation, arguing that cooperation in facilitating repatriation and sustainable reintegration is urgently needed⁵.

How to issue and implement programs to support migration repatriation and sustainable reintegration

There is a number of general principles that ASEAN member states should apply in the formulation and implementation of sustainable reintegration programs.

First, reintegration programs are universally applicable to all migrant workers, without discrimination on the basis of gender, age, skills and migration status. This is because migrants, if abused in the recruitment process, are burdened with debt or provided with incorrect information prior to migration will not be able to achieve the set migration goals. At the same time, abuse and exploitation in the workplace and discrimination in the country of origin will severely reduce the ability of migrant workers to return⁶.

Second, all supporting policies and programs should respect the human and labour rights of migrants in accordance with international law and ASEAN law. The 2007 ASEAN Declaration affirmed that ASEAN member states should promote full capabilities and ethics of migrant workers in a free, equal and law-abiding working environment⁷. However, this statement is not fully complied with as labour immigration policies in the ASEAN region are subject to the domestic laws of each member state. Therefore, commitments in the ASEAN region in the coming time should ensure that migration support programs for repatriation and sustainable reintegration are based on rights with the active participation

⁴ Balik Pinay Balik Hanapbuhay Livelihood Program for Filipina OFWs // OWWA Member Community and Information Portal : [site]. URL: <https://owwamember.com/balik-pinay-program/> (accessed on 20.03.2023).

⁵ Global Compact for Safe, Orderly and Regular Migration – Intergovernmentally Negotiated and Agreed Outcome, 13 July 2018 // United Nations : [site]. URL: https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf (accessed on 20.03.2023).

⁶ Regional Guidelines on the Return and Reintegration of Migrant Workers Participating in the Employment Permit System of the Republic of Korea. Bangkok : ILO International Training Centre, 2015. 6 p.

⁷ The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers // International Labour Organization : [site]. URL: <https://www.ilo.org/dyn/migpractice/docs/117/Declaration.pdf> (accessed on 20.03.2023).

of civil society organizations⁸.

Third, it is necessary to design a roadmap for policies to support repatriation and reintegration through registrations and survey information on the records of returnees. Surveys need to collect enough information on gender, job skills, reasons for returning, preparation for repatriation, etc. to clearly assess the specific need of each migrant. Sufficient data collection and investigation will form the basis for assessing the economic, political, cultural, and social aspects of reintegration. Especially information about workers in disadvantaged groups such as forced migration, people suffering from labour abuse, people being deported, victims of human trafficking crimes, etc.

Fourth, supportive policies should focus more on female workers because women are more likely to face discrimination or abuse in the workplace than men. At the same time, women are also vulnerable to human trafficking and forced labour⁹. Therefore, women have special needs in asking for assistance at each migration cycle¹⁰.

Fifth, the policy to support reintegration should focus on the role of the local community because returning migrants need a suitable working environment through the treatment of local people and community infrastructure improvement. In addition, the community's common voice in support of reintegration should be included in a consultation process, through the participation of industry associations. The repatriated migrants themselves also have the right to participate in this consultation process to provide input on the development of a sustainable reintegration support policy. Multi-stakeholder cooperation between central government, local government, civil society organizations, recruitment agencies, private companies and other public agencies is necessary to partially solve the problem of limited resources for reintegration.

Sixth, it is necessary to ensure the right to social protection for repatriated migrants in reintegration. The right to equitable access to social protection is one of the basic rights groups of returnees and is mentioned in the ASEAN Declaration on Strengthening Social Protection¹¹. The policy to support the reintegration of repatriated migrants should take into account the feasibility of social insurance for migrant workers according to their personal and family records, especially the possibility of transfer and social insurance linkages among ASEAN countries. This applies not only to legally immigrant workers but also to undocumented workers as they also have access to social security systems. Social security support should ensure that living and working conditions in the host country play an important role in reintegration. Possible job security, access to housing and freedom to develop social connections while abroad may be important criteria in planning appropriate reintegration support policies.

⁸ Guidelines for Recognizing the Skills of Returning Migrant Workers // International Labor Organization : [site]. URL: https://apskills.ilo.org/resources/guidelines-for-recognizing-the-skills-of-returning-migrant-workers/at_download/file2 (accessed on 20.03.2023).

⁹ Compendium on Migrant Workers' Education and Safe Migration Programmes // ASEAN : [site]. URL: <https://asean.org/wp-content/uploads/2017/12/ASEAN-Compendium-on-Workers-Education-and-Safe-Migration-Programmes.pdf> (accessed on 20.03.2023).

¹⁰ Conclusions and Recommendations // International Labor Organization : [site]. URL: https://www.ilo.org/asia/events/WCMS_310000/lang--en/index.htm (accessed on 20.03.2023).

¹¹ ASEAN Declaration on Strengthening Social Protection and Regional Framework and Action Plan to Implement the ASEAN Declaration on Strengthening Social Protection // ASEAN : [site]. URL: <https://asean.org/wp-content/uploads/2018/11/26.-November-2018-ASEAN-Declaration-on-Strengthening-Social-Protection-1st-Reprint.pdf> (accessed on 20.03.2023).

Challenges in enacting reintegration policies for repatriated migrants in ASEAN

First, ASEAN member states often lack data on repatriated migrants and their selection of reintegration patterns. ASEAN countries often face challenges in tracking or monitoring the flow of returning migrant workers or maintaining a database of repatriated migrants because the data collection process is inconsistent, stale and fragmented. Host countries are also often not transparent about immigration data, especially with regard to deportation data which is deemed sensitive. Inadequate information makes it difficult to provide the necessary support or interventions to help migrants repatriate.

Second, ASEAN countries often lack appropriate legislation, policies and mechanisms to address the issue of repatriation and sustainable reintegration. Some countries do not have a clear legal and policy framework to support the reintegration of repatriated migrants. This situation persists as the governments of the ASEAN community have not developed any policies or programs for the reintegration of returning migrant workers [25]. In 2018, with the exception of the Philippines, reintegration programs in ASEAN sending countries were still limited [26].

Third, economic stagnation in the native country will also affect the reintegration policy for repatriated migrants. If economic problems, unemployment, poverty and political conflicts promote migration, repatriation of migrant workers is unlikely. Reintegration policies should depend mainly on the overall economic, political and social circumstances. For example, according to a survey, Myanmar workers want to return to Myanmar (with high economic growth), while most Cambodian and Laotian workers do not want to repatriate in the short term because of poor job prospects and low wages¹².

Fourth, employment services in ASEAN countries for repatriated migrants are not fully developed and returnees lack the necessary information to access support services. Employment agencies play almost no supporting role to refer repatriated migrants. At the same time, there is no effective system for disseminating information on reintegration services, investment and employment options in any of the ASEAN member states to date.

Fifth, a huge challenge is the lack of coordination between the authorities in each country in supporting the reintegration of repatriated migrants. The responsibility to support reintegration may apply to some ministries and agencies. For example, the Ministry of Manpower, the Ministry of Social Affairs, the Ministry of Foreign Affairs, the National Agency for the Placement and Protection of Migrant Workers Indonesia all work together in support of reintegration in Indonesia. At the same time, central government agencies need to coordinate and work with a variety of other parties including employers' and workers' organizations, migrant workers' unions, civil society organizations, private companies, etc. to ensure their timely support for repatriated migrants.

Some good practices and typical ASEAN regulations on supporting migrant repatriation and reintegration

Legal framework for repatriation and reintegration assistance in some ASEAN member states

In the Philippines, support for repatriated migrants is provided for in the Migrant

¹² Assessing the Potential Changes in the Migration Patterns of Cambodian Migrants and their Impacts on Thailand and Cambodia // IOM Thailand : [site]. URL: <https://thailand.iom.int/sites/g/files/tmzbd1371/files/documents/IOM%20Infosheet%20-%20Cambodian%20Migrants%20Study.pdf> (accessed on 20.03.2023).

Workers and Overseas Filipinos Act 1995¹³. This act provides for support services for migrants' repatriation and reintegration through the proposed establishment of a migration monitoring center within the Department of Labour to facilitate reintegration into Philippine society, facilitate employment and exploiting professional skills.

In addition, the role of the Foreign Workers Welfare Administration (OWWA) is also clearly defined in Republic Act No. 10801¹⁴ through the provision of social welfare services and protection of repatriated migrant workers. OWWA is a national government agency under the Department of Labour and Employment and plays a large role in the reintegration of repatriated migrant workers as they have access to government funding. In addition, the Philippines also enacted Republic Act No. 10022¹⁵ in 2010 providing for the establishment of a National Reintegration Center to assist repatriated migrant workers.

In the Republic of Indonesia, Article 7 of Law No. 18/2017 on the Protection of Indonesian Migrant Workers¹⁶ provides that the protection of future repatriation migrant workers for all migration cycles (short-term or long-term). At the same time, Articles 24–18 provide many protections after workers' repatriation and Articles 39–42 clearly define the responsibility of governments from central to local levels in facilitating the economic and social reintegration of repatriated migrant workers.

In Cambodia, the 2014 National Labour Migration Policy made the point that the policy on returning migrant workers and their productivity reintegration would focus on aspects including employment services, development and recognition of vocational skills, development of training programs and investment from enterprises¹⁷. By 2019, the National Labour Migration Policy has draft changes to strengthen effective migrant worker repatriation and reintegration support mechanisms and services for all migrant workers.

National Center for Reintegration in the Philippines

As mentioned above, Republic Act No. 10022 of 2010 of the Philippines provided for the establishment of a National Reintegration Center to assist repatriated migrant workers. The target audience of this center is overseas Filipino workers, workers intending to repatriate (temporary or permanent) and their families. The center's goal is to provide a mechanism for reintegration into society and to promote local employment support services through harnessing the skills and potential of repatriated migrants for national development.

There are five main services that the center focuses on: (i) consulting services; (ii) job placement support services; (iii) business development support services; (iv) vocational skills training services; (v) support services for disadvantaged overseas workers. The Center also plays an important role in advising the Philippine government on the identification of all agencies involved in reintegration and ensuring that repatriation is included in bilateral agreements.

¹³ Migrant Workers and Overseas Filipinos Act of 1995 (No. 8042) // International Labour Organization : [site]. URL: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/43183/84868/F1323808680/PHL43183.pdf> (accessed on 20.03.2023).

¹⁴ Overseas Workers Welfare Administration Act // Republic Act: Philippine Laws, Statutes & Codes : [site]. URL: <https://republicact.com/docs/statute/18285/ra-10801-overseas-workers-welfare-administration-act> (accessed on 20.03.2023).

¹⁵ Republic Act No. 10022 // Republic Act: Philippine Laws, Statutes & Codes : [site]. URL: <https://republicact.com/docs/statute/1093/republic-act-10022> (accessed on 20.03.2023).

¹⁶ Law on Protection of Migrant Workers (No. 18/2017) // International Labour Organization : [site]. URL: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/109279/135524/F-1924328581/IDN109279%20Idn.pdf> (accessed on 20.03.2023).

¹⁷ Policy on Labour Migration for Cambodia 2019–2023. ASEAN : [site]. URL: <https://asean.org/wp-content/uploads/2021/12/1.-Labour-Migration-Policy-2019-2023.pdf> (accessed on 20.03.2023).

The agencies involved in the reintegration assistance that the National Reintegration Center have identified are the foreign worker welfare administration, the Philippine development bank, the Philippine land bank, the Department of commercial and industrial. Some selected projects and the implementation of linkages between these agencies in supporting the reintegration of repatriated migrants are shown in Table 1. The programs listed below have all had some success in assisting repatriated migrant workers to reintegrate into the community.

Table 1

Migrant Repatriation and Reintegration Support Programs in the Philippines

Programs	Purpose of the program
Livelihood Development Assistance Program.	The aim is to subsidize livelihoods to bring about social security improvement for undocumented migrants.
Special Program for Returning Migrant Female Workers: "Balik Pinay! Balik Hanapbuhay!"	The purpose is to train and provide employment for returning migrant women.
Business Development and Loan Program.	A partnership between Land Bank of the Philippines (LBP) and Development Bank of the Philippines (DBP) to issue a business loan of up to PhP 2 million to immigrant individuals return and PhP 5 million for the organization with repatriated migrants.
Package of livelihood assistance: "Balik Pinas! Balik Hanapbuhay!"	This livelihood support package is designed to assist migrant pilgrims who have difficulty returning. Support up to PhP 20,000 includes the start-up of a livelihood project or financial supplement to a project that has already been implemented but lacks funds.
Program "Sa 'Pinas, Ikaw Ang Ma'am/Sir".	The purpose of this program is to assist workers returning from abroad to the Philippines. Especially the support for workers who have the purpose of improving their skills from abroad and choose to return to the Philippines to work as public-school teachers.

Source: compiled by the author

Migrant worker repatriation program in Indonesia

The Migrant Worker Zone Program in Indonesia is a program to ensure safety and adequate conditions in a region for repatriated migrant workers implemented by the Indonesian Ministry of Manpower (MOM). The objective of the program is to ensure that the region to which migrant workers return will improve the services and quality of life of a region, not only for the returning migrants but also for their families and neighbours. This is considered a stepping stone for the country to enact the Indonesian Migration Law No. 18 of 2017 with provisions to decentralize support services for repatriated migrants at the village government level. The repatriated migrant worker area needs to ensure the following conditions: (i) employment information services are provided through the Migration Service Center (directly disseminating information to potential migrants about formal procedures, the labour market, career guidance and potential problems); (ii) services to support the development of businesses for the families of migrant and repatriated workers (including skills training and business support); (iii) education and parenting services in the community; (iv) support to join cooperatives to strengthen village-owned enterprises.

During the implementation of this program, a good link between state agencies has

been established as a synergy between local level offices such as the Chamber of Industry and Trade, the Secretariat, the Office of Communication and Information. Information and Office for Women's Empowerment and Child Protection. Companies in the private sector are also called to participate in this program to provide financial management knowledge to returning migrants in need [27].

Process for recognizing skills and learning process when migrating workers

First, TESDA's online assessment program in the Philippines for overseas workers¹⁸. This program will assess the technical level and knowledge of workers, thereby issuing certificates to migrant workers returning home whether as employees or entrepreneurs. There are two types of certificates issued by the government through this program as National Certificate (NC) or Certificate of Competency (COC) depending on the purpose and choice of livelihood and career of the migrants. Some of the objectives targeted by the TESDA assessment program are: (i) Ensuring livelihoods for returning migrants in vulnerable occupations such as domestic work; (ii) Provide repatriated migrants the opportunity to undergo formal assessment and certification; (iii) Building partnerships with Philippine institutions and training providers.

Second, the program recognizes the learning and skills of returning immigrants in Cambodia¹⁹. Cambodia's National Commission for Tourism Professions (NCTP) is in the process of implementing a pilot project on recognition of the ability to learn during migration (RPL) on housekeeping for the Joint Tourism Program. ASEAN. Certificates of this program will be issued to qualified return migrants from the Ministry of Tourism, the Association of Employment Agencies of Cambodia (ACRA) and the Human Resources Association of Cambodia (MAC). The certificate can be tested against the Cambodia and ASEAN Qualifications Framework (CQF and AQF).

Third, the establishment of a number of NGOs to train and certify migrant workers in Singapore. Home Academy was established in 2010 in Singapore to provide high quality vocational training courses for all repatriated migrant workers including English, computer science, cooking, childcare, sewing, plastic surgery and financial management [1].

Besides, there is also Aidha organization that provides courses in financial management, communication skills, computer algorithms and entrepreneurship to help migrant workers (especially Singaporean women) earn an income. Lower income earners and economic independence through financial education. In addition, another organization, ACMI Singapore, also offers weekend courses for domestic workers through a number of subjects such as English, using computers, cooking, haircuts and sewing [1].

Some other typical practices and regulations in the world

Firstly, the happy repatriation migration program of the Employment Authorization System in Korea. Most of Asia's agreements with GCC countries only deal with return immigration after termination of employment or repatriation due to breach of contract terms or for public security reasons. With the happy repatriation program, returning migrant workers can participate in vocational training courses, job placement services before returning to Korea, such as assistance in applying for jobs at companies. In Korea,

¹⁸ Arayata C. TESDA Certifies Skills Competency of over 2K OFWs Abroad // Philippine News Agency : [site]. 10.12.2018. URL: <https://www.pna.gov.ph/articles/1056218> (accessed on 20.03.2023).

¹⁹ Assessing the Potential Changes in the Migration Patterns of Cambodian Migrants and their Impacts on Thailand and Cambodia // IOM Thailand : [site]. URL: <https://thailand.iom.int/sites/g/files/tmzbd1371/files/documents/IOM%20Infosheet%20-%20Cambodian%20Migrants%20Study.pdf> (accessed on 20.03.2023).

support administrative procedures to receive insurance benefits to help workers reintegrate well and continue to use their skills when working abroad²⁰. The Happy Repatriation Program responds in a timely manner to concerns about domestic labour trends in the migration and development sectors and serves as a vehicle for regional co-development. Asia as well as the intersection point between Korea's labour migration policies [28].

Second, Sri Lanka's 2008 National Labour Migration Policy has provided the necessary orientation for workers in this country to repatriate and reintegrate. The policy aims to: (i) social reintegration of repatriated migrants; (ii) economic reintegration of repatriated migrants; (iii) ensure the material and psychological well-being of repatriated migrants and their families; (iv) ensure civil and political rights for repatriated migrants; (v) the state effectively manages the process of migration, repatriation and reintegration²¹. The Sri Lanka Foreign Employment Department (SLBFE) has also established a specialized department responsible for implementing and monitoring the reintegration process outlined in the policy. Despite efforts, some recommendations have also been made that the SLBFE should be strengthened to coordinate with relevant ministries and agencies and conclude agreements with other supporting organizations. In particular, the SLBFE established a steering committee mechanism to engage civil society organizations and trade unions in the reintegration process of returning migrants²².

Third, a database project on repatriated migrants through survey and needs assessment at the European University Institute. The objective of the project is to understand the challenges and effects of repatriation migration on the development of the euro area. A set of analytical tools was applied to elucidate the demographic characteristics and reintegration patterns of migrants returning home after working in the Maghreb countries. This is considered a platform to exchange and share practical knowledge of returning migrants. Through a qualitative approach, the study collected literature and feedback from stakeholders to make all data available in the public domain [7].

Finally, there is Mexico's Somos Mexicanos program, which aims to promote the reintegration of repatriated migrants. The Somos Mexicanos program has a diverse approach with many coordinated activities of relevant agencies, NGOs, and private companies. Initially, the program was piloted in four cities to assist repatriated Mexican migrants in reintegration and leveraging skills learned abroad. Support in terms of access and replenishment of identity documents, procedures for certifying foreign qualifications and training in additional skills is required by the city. The job placement service is done through an online job bank – a platform that matches the profiles and skills recorded by applicants with employers. However, Somos Mexicanos has a limitation that the program only applies to migrants returning through specialized affiliated centers for repatriation, which migrants of this type cover only a limited number of people. small amount. A large number of migrants repatriated due to deportation and lack of documentation were not supported through this program²³.

²⁰ Happy Return Programme: Skills Enhancement for Return and Reintegration // Global Forum on Migration and Development : [site]. URL: <http://www.gfmd.org/pfp/ppd/1689> (accessed on 20.03.2023).

²¹ Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka / Ministry of Foreign Employment. Colombo : International Labour Organization, 2015. 40 p.

²² Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers Sri Lanka / Ministry of Foreign Employment. Colombo : International Labour Organization, 2015. 40 p.

²³ Flannery, N. P. Dispatches from the Field: Return Migration in Mexico // Americas Quarterly : [site]. 28.07.2014. URL: <https://www.americasquarterly.org/departments/dispatches-from-the-field-return-migration-in-mexico/> (accessed on 20.03.2023).

Some recommendations for repatriation and reintegration in ASEAN

In general, the ASEAN region needs to issue policy frameworks that better support the process of repatriation and reintegration, with particular attention to partnership and cooperation between different entities and agencies to solve problems throughout. The author has some policy recommendations as follows:

First, ASEAN Member States should be aware that preparation for effective reintegration and migration support should begin at the stage when workers are intending to migrate back home. Homeland migration and support should be ensured throughout the entire migration cycle back to the host country. The pre-departure period will be decisive as it will greatly affect the terms and conditions of work abroad for temporary (short-term) migrant workers. There are a number of issues that the host country needs to meet. The process of exporting labour and recruiting workers abroad needs to be fair and not cause any financial burden. At the same time, it is necessary to have a department of a state agency or a specialized organization providing information services to help workers understand the notes on working, living conditions abroad, financial assistance programs and their rights and obligations.

Second, ASEAN member states need cooperation between labour exporting and importing countries throughout the migration cycle to promote repatriation and sustainable reintegration in the future. The common responsibilities of states are clearly stated in ASEAN documents. However, practice shows that these shared responsibilities are still fully fulfilled because they are not mandatory or do not have any redress mechanism if a member state fails to do so. At the same time, ASEAN documents in the current period have not directly mentioned any support mechanism to prepare migrants for reintegration in the process of reintegration. It can be seen that some areas that ASEAN countries need to pay attention to regarding reintegration are the ability to provide social security benefits, skills recognition process, compensation scheme and health benefits after repatriation. ASEAN countries can refer to the Work Permit System approach to approach some practices based on existing frameworks in Korea.

Third, ASEAN countries should conduct extensive consultations and consultations with returning migrants and their families to form an open database for research and issue appropriate support policies. From local authorities in the country of origin, trade unions, employers' organizations, migrant workers' associations, local communities, civil society organizations, recruitment agencies and workers' communities All foreign countries need to be consulted and consulted in order to collect multi-dimensional perspectives to develop more effective and sustainable reintegration support programs and projects. As the data sources are diverse, the different support needs of returning migrants will also be analyzed from various angles, thereby making reintegration easier. Repatriated migrant workers should be offered a diverse range of options in addition to business investment options (opportunities to participate in the labor market, various financial instruments, and mental health recovery...). Social, psychological and health needs are extremely important, which the current reintegration support policies in ASEAN are lacking. One point to note is that the quantitative database is only a starting point and additional data needs to be supplemented through periodic surveys throughout the system. Useful qualitative information on the profiles, experiences and perspectives of returning migrant workers will serve as a key pillar for policymakers to know where to improve, from analyzing separate issues by gender, age, professional skills or career counseling when necessary.

Fourth, policies on supporting migrant repatriation and sustainable reintegration in

ASEAN need to incorporate careful gender considerations as each gender has different support needs. This recommendation is also made to ensure fairness in policymaking as women may make up a high proportion of return migrants and often face various challenges by their own level of vulnerability. Compared with men, returning migrant women may face difficulties in accessing necessary information, bank loan services as well as access to employment services to enter the market. Gender-specific studies on the sustainable reintegration of returning migrants should be conducted in a transparent manner to assess issues related to discrimination against women returning from abroad. An agency or association for repatriated female migrant workers could be a possible countermeasure to this problem as a counselor for returning migrant women who have difficulty reintegrated into the local community.

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Acknowledgments and financing:

The reported study was funded by RFBR and VASS, project No. 20-511-92002 “Russia’s Strategy in Southeast Asian Education Markets: Socio-demographic Potential Assessment and Public Policy Directions”.

Received on 06.03.2023; accepted for publication on 05.05.2023.

The author has read and approved the final manuscript.

ПОЛИТИКА И ПРАКТИКА В ОБЛАСТИ РЕПАТРИАЦИИ И РЕИНТЕГРАЦИИ МИГРАНТОВ В РЕГИОНЕ АСЕАН

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Для цитирования: Чан Нгуен Фуок Тонг. Политика и практика в области репатриации и реинтеграции мигрантов в регионе АСЕАН // ДЕМИС. Демографические исследования. 2023. Т. 3, № 2. С. 40–54. DOI [10.19181/demis.2023.3.2.3](https://doi.org/10.19181/demis.2023.3.2.3). EDN [ALHWHRI](https://edn.alhwhri.org).

Аннотация. Одним из важнейших прав человека, закрепленных во Всеобщей декларации прав человека и Международной конвенции о защите прав всех трудящихся-мигрантов и членов их семей, является право на гражданство. Процесс репатриации мигрантов и их реинтеграция в общество на родине вызывает все больший интерес у специалистов по миграционной политике, так как этот процесс тесно связан с повесткой «миграции и развития». Цикл трудовой миграции всегда включает три важных этапа: отъезд, работу и проживание за границей, репатриацию. Страны-доноры прилагают большие усилия для стимулирования возвращения на родину трудовых мигрантов: государствами реализуются программы поддержки репатриации и реинтеграции в местное сообщество после возвращения домой. Базу настоящего исследования составляют определяющие положения программ реинтеграции для вернувшихся на родину мигрантов. Исходя из этого, была сформирована цель исследования: выявить общие принципы и условия программ поддержки для работников, возвращающихся в страну происхождения. Для достижения поставленной исследовательской задачи автор выделяет успешные практики и недостатки некоторых таких программ, реализуемых в АСЕАН. Новизну результатов исследования определяют предложенные автором рекомендации по совершенствованию программ поддержки для трудовых мигрантов, возвращающихся на родину и реинтегрирующихся в общество на современном этапе.

Ключевые слова: миграция; репатриация; реинтеграция; программы поддержки; АСЕАН; трудовые мигранты.

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Благодарности и финансирование:

Исследование выполнено при финансовой поддержке РФФИ и ВАОН № 20-511-92002 «Стратегия России на образовательных рынках стран Юго-Восточной Азии: оценка социально-демографического потенциала и направления государственной политики»

Статья поступила в редакцию 06.03.2023; принята в печать 05.05.2023.

Автор прочитал и одобрил окончательный вариант рукописи.