

## Assisted Voluntary Return Programmes from Niger

### *Niger: from transit hub to migration bottleneck*

Niger is considered by the European Union to be a strategic country to combat irregular migration towards Europe and therefore it plays a primary role in the EU security and development strategy for the Sahel. Over the last decade, Niger has received significant funding for border management and migration control, turning it into a virtual external border of the European Union. As the main beneficiary of the European Union Emergency Trust Fund for Africa (EUTF) along with Libya, it has received €280 million, among other things to assist return and reintegration of migrants in their countries of origin.<sup>1</sup>

As analysed in other feature articles, legal instruments, first of all Law No. 2015-036, were designed to hinder migrants from transiting Niger. Following the implementation of this law, a high number of migrants were stranded in the country, especially in the Agadez region, and faced with very low chances of employment and increasingly dire consequences of the dynamics of criminalising mobility and migrants themselves.

What has contributed to transforming Niger, and above all the Agadez region, from a transit country into a choke point since 2014 is the refusal of entry and deportation of nationals of Niger and other West Africa countries from Algeria. In 2014 Algeria and Niger reached a verbal agreement about the readmission of Nigerien citizens irregularly residing in Algeria. Despite the agreed arrangements, the Algerian authorities started deporting to Niger people from sub-Saharan countries identified only by their physical features. Among deportees were people with visas and residence permits or people who had never transited through Niger to reach Algeria.

### **Returns from Algeria**

*The authorities, international organisations and NGOs operating in the Agadez region classify returns performed by Algerian authorities into two types: official and non-official returns<sup>2</sup>. The first term indicates readmissions of Nigerien citizens living irregularly in Algeria, as agreed upon between both countries. After being stopped by the authorities, they are handed over to Nigerien authorities in “official convoys” near Assamaka, from where they are taken to a dedicated centre in Agadez.*

*While the Nigerien authorities used to provide support to returnees in going back to their towns or regions of origin, this support has recently been suspended. Returnees therefore have to start again without any resources or any kind of support. During our interviews we were told by Médecins Sans Frontières (MSF), Médecins du Monde (MdM) and by Alarm Phone Sahara that many Nigerien women who lost everything following deportation were forced by their circumstances into sex work in order to go back to their families or reattempt the journey to Algeria.*

*The situation of non-Nigerien returnees is even more complex. Deportations in “unofficial convoys” are conducted at night and there is no hand-over to Nigerien authorities. Algerian security forces simply take foreigners to a place in the desert called “Point Zero” about 15 kilometres from the nearest city to the border, i.e. Assamaka. From “Point Zero” people have to walk all the way to Assamaka, where they find the first humanitarian outpost.*

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<sup>1</sup> [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/niger_en)

<sup>2</sup> The organisation Alarm Phone Sahara plays a fundamental role in collecting data and information on official and informal returns, which are retrievable at <https://alarmphonesahara.info/fr/ticker>.

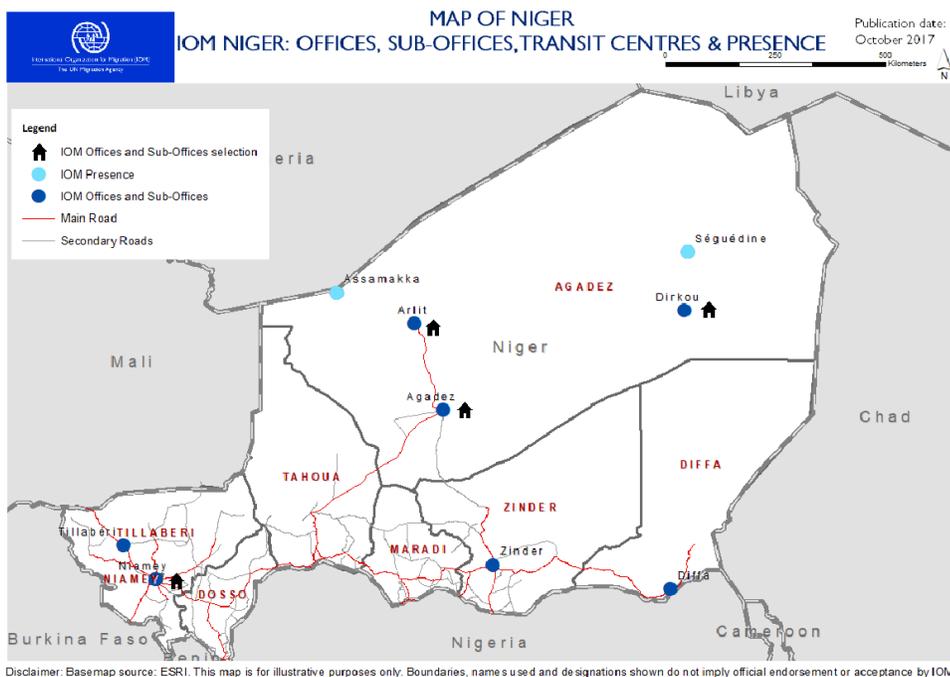
Some male migrants we met in December in a ghetto in Agadez told us that they were snatched from their homes in Algeria and taken to one of the many detention facilities located in Algerian cities. They waited a few days there until the authorities were satisfied that an appropriate number of people was inside the camp, then they were stripped of their personal belongings and documents and taken to “Point Zero.”

## Assisted Voluntary Return (AVR) programmes

Over the last few years, the Assisted Voluntary Return (AVR) system has been widely used as a mobility management tool in the Sahel. These programmes – implemented by the international Organization for Migration (IOM) and funded by the European Union and its Member States<sup>3</sup> - have been promoted as the best option for a well-managed migration policy within the continent and as a deterrent to irregular migration.

Growing interest from the EU and its Member States in establishing and developing AVRs as a strategy that could hold back arrivals in Europe has led to a joint initiative for Migrant Protection and Reintegration between the European Union and IOM covering more than 26 African countries of the Sahel and Lake Chad region, the Horn of Africa and North Africa. Return is one of the key pillars of the joint initiative, with funds being allocated also to “reintegration” as well as rescue operations in the desert, for example in Niger.

IOM has maintained a permanent presence in Niger since 2016. From its head office in Niamey, IOM operates seven sub-offices and six transit centres for migrants in a number of strategic locations across the country.



<https://niger.iom.int/iom-niger-0>

<sup>3</sup> Italy recently contributed €1 million from the Migration Fund to a 12-month IOM project to assist returnees from Algeria who sign up for the voluntary return programme. For more information see <https://sciabacaoruka.asgi.it/wp-content/uploads/2022/04/IOM-Niger-AVENIR-Project-Documents-Work-Plan-and-Project-Budget-Annex-A-controfirmato.pdf>.

Supporting migrants in voluntarily returning to their countries of origin is one of IOM's main activities in Niger, but there is a vast array of activities carried out by IOM, as its representative on the ground described in detail during a meeting in December.

#### *The seven IOM pillars of migration crisis management in Niger*

1. Search and rescue operations in the desert twice a month or in response to emergency phone calls received on its toll-free number,
2. Direct assistance to migrants signing up for the assisted voluntary return programme,
3. Vulnerability assessment of migrants signing up for the assisted voluntary return programme,
4. Awareness raising and information campaigns on asylum, travel-related risks, assistance and return services,
5. Assistance with voluntary return and reintegration (making travel arrangements, liaising with the authorities, supporting the procurement of travel documents, arranging reintegration support),
6. Monitoring flows of migrants transiting Niger,
7. Boost the Niger government's migration management capability.

At the time of ASGI delegation's visit, in the IOM centre in Agadez there were 1,232 people, of whom 17 were women and 9 were minors. In Arlit there were around 150 people and in Assamaka 197. The day before a charter flight had left for Nigeria.

IOM runs a transit centre in Dirkou that mostly receives migrants who return from Libya, intercepted in rescue operations or reaching the camp independently. As part of the border management support activities for the Nigerien authorities, IOM has contributed to the establishment of a border checkpoint in Assamaka with Italian and European funds. IOM trained Nigerien authorities in checkpoint management and in particular in the MIDAS system for collecting migrants' biometric data. MIDAS is used to register people crossing the border (on their way in and out of the country). IOM has no access to MIDAS data and each country only has access to data related to its own country. IOM is trying to smoothe the way for the registration of biometric data in transit centres too<sup>4</sup>.

#### **Access to assisted voluntary returns**

The assisted voluntary return programme run by IOM can be accessed by all migrants in Niger who would like to return to their country of origin. According to information gathered during interviews, a large number of those who join this programme are people returned or deported from Algeria or, less frequently, from Libya.

According to information collected in Agadez, some people are taken to transit centres run by IOM in Assamaka and Arlit after being rescued in the desert. Others reach the Assamaka centre after a long walk through the desert from the notorious "Point Zero" where the Algerian authorities abandoned them. Other people report to the offices of IOM or other institutions or organisations and ask to find out more about the AVR programme.

It is worth stressing that interviews with a number of NGOs operating in Agadez, such as the Catholic Relief Service, the International Rescue Committee and the International Red Cross, revealed that migrants generally appear to be in favour of the possibility of either applying for protection at the UNHCR humanitarian centre or accessing assisted voluntary return. There are no services or support measures for people who want to stay in

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<sup>4</sup> According to the account given by a representative on the ground during a meeting in December 2021.

Agadez or elsewhere in the country for longer or shorter periods, either to settle down or to arrange a new journey. None of the organisations interviewed in Agadez stated that they make people from ECOWAS countries aware of the chance of obtaining a Nigerien residence permit.

As explained more in depth in our feature [article on the implementation of Law 2015-036](#), migrants who need to spend more time in Agadez are virtually considered criminals and forced to live in hiding, under constant threat of being charged with migrant smuggling or being arbitrarily arrested.

For many people, assisted voluntary return is the only way to receive the basic assistance that they often need merely to survive. Emblematic is the situation of third-country nationals returned from Algeria. As reported by numerous people and organisations, migrants are stripped of documents, money and any kind of belongings upon arrest. This means that when migrants reach Assamaka after being abandoned at “Point Zero”, they can only turn to humanitarian and international organisations to receive assistance and basic necessities.

People arriving in Assamaka are provided primary care and support by IOM for 48 hours. Since the start of the COVID-19 pandemic, everyone returning from Algeria is mandatorily quarantined for a period of 14 days. After that, support is offered only to those who sign up for the assisted voluntary return programme. There is no form of protection or support for migrants as such, irrespective of whether or not they sign up to return programmes.

### ***The voluntary nature of assisted voluntary returns***

*Ibrahim Manzo Diallo, a journalist and activist based in Agadez, has no hesitation in describing as “blackmail” the mechanism of signing up for assisted voluntary return. He argues that if joining the AVR programme is the only way to receive emergency assistance and basic necessities, this choice cannot be considered free. Alarm Phone Sahara, too, underlines that support activities are aimed only at those who agree to go back to their countries of origin. Signing up for return becomes the only criterion for obtaining assistance while conditions of severe vulnerability, abuses suffered and other factors that should qualify them for access to support and accommodation are not taken into consideration.*

*In the Agadez region, a number of factors apparently contribute to make the signing up for voluntary return the only way to access forms of assistance necessary for survival itself. If, on the one hand, policies of repression and criminalisation implemented as a result of Law 2015-036 compel people to live in ghettos and in fact deprive them of the chance to find casual work<sup>5</sup>, on the other hand illegal expulsions from Algeria push thousands of people deprived of their personal belongings and savings into the region and expose them to new forms of criminalisation and exploitation with little or no access to regularisation procedures. A contributing factor to this situation seems to be a sort of “widespread knowledge” shared among the numerous non-governmental and humanitarian organisations working in the region whereby the only viable options for migrants are voluntary return or applying for asylum. With the exception of Alarm Phone Sahara, which organises a community lunch every Saturday and offers information and free support to migrants, there are no organisations which provide actual support other than medical aid and health care to migrants living in Agadez.*

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<sup>5</sup> In this respect, the UN Special Rapporteur on the rights of migrants argues that the implementation of Law 2015-36 “has pushed migrants into hiding, rendering them more vulnerable to abuse and human rights violations and making it more difficult for them to gain access to assistance and protection services. [...] the Special Rapporteur collected accounts of migrants, including unaccompanied migrant children, who live in very poor conditions in migrant ghettos. They only dare to go out at night to avoid being stopped by the police. **Their homes have been raided, and they are subjected to arbitrary arrest and extortion.** Obtaining access to food, shelter and health is extremely difficult for these migrants – especially due to fears of being detected by the police – although a few NGOs try to assist them with health care.” Report of the Special Rapporteur on the human rights of migrants on his visit to the Niger, para. 32, 16 May 2019, retrievable at: [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_41\\_38\\_Add.1\\_E.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_41_38_Add.1_E.pdf).

Therefore, there is good reason to question whether signing up for return really is a voluntary choice. This was underlined as far back as 2019 by the UN Special Rapporteur on human rights of migrants after his visit to Niger. By talking to migrants in IOM transit centres in Agadez and Niamey during his visit, he realised that many of them had decided to return to their countries of origin because they were tired of the abuses suffered during their journey or because it was the only assistance offered to them<sup>6</sup>. According to the Special Rapporteur, the free consent to voluntary return is therefore undermined by an array of factors, such as the lack of alternative assistance, including for shelter and access to food, the condition of extreme vulnerability of migrants expelled from Algeria and Libya and the difficult living conditions in Niger<sup>7</sup>.

Some conditions should be met for the return to be qualified as voluntary, such as the availability of valid alternatives, opportunities to legally reside permanently in the host country and access to full and complete information. The fact that migrants very often sign up for this kind of programme out of despair or for lack of alternatives may entail the risk of violations of the principle of non-refoulement<sup>8</sup>.



OIM image contained in the proposed Avenir project financed by Italy with €1 million.

### Assistance provided in the framework of voluntary return procedures

Migrants who have come into contact with OIM and have agreed to join the voluntary return programme are usually transferred to the transit centres in Agadez and Niamey. Their return is arranged from these two centres. As always occurs in cases of voluntary returns, OIM coordinates with the authorities of the migrant's country of origin (often with embassies when there are no identity documents) and with IOM offices in the migrant's country of origin for the purpose of starting a reintegration programme.

<sup>6</sup> "49. During his visit the Special Rapporteur talked to numerous men, women and children in IOM transit centres in Agadez and Niamey who had signed up for the assisted voluntary return programme. Some of them indicated that they could no longer endure the human rights violations they had been subjected to during their migration journey – such as racial discrimination, arbitrary arrest, torture, collective expulsion and sexual and labour exploitation – and the difficult situation in the transit centres, and they wished to return to their countries of origin. Others indicated that they had signed up for assisted voluntary return because it was the only assistance offered to them, and many of them conceded that as soon as they returned to their countries of origin, they would try to remigrate." Ibid.

<sup>7</sup> "51. Moreover, while IOM transit centres are open and migrants can leave at any time, the main condition for accommodation in the centres is a willingness to return voluntarily<sup>33</sup> and there are no other alternatives in the Niger for migrants who are in need of assistance, including shelter and food. The free consent to voluntary return is therefore undermined by the pressure exerted by extremely hazardous weather, living and travel conditions on migrants in vulnerable situations, who are physically and mentally exhausted by gruelling journeys and by the human rights violations that they have suffered in Algeria and Libya, which in the latter case include torture and sexual and gendered crimes." Ibid.

<sup>8</sup> See the Report of the UN Special Rapporteur on the rights of migrants, 4 May 2018, para. 30 (A/HRC/38/41), retrievable at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/125/17/PDF/G1812517.pdf?OpenElement>.

When migrants are admitted into these centres, they meet with staff of the Protection Unit who will conduct a series of interviews to assess their individual needs – both current and return-related. At this stage migrants are also informed that they can apply for asylum in Niger, in which case they are referred to UNHCR that will take charge of them as asylum applicants. This referral mechanism is laid down in the Standard Operational Procedure (SOP) agreed between the two international organisations<sup>9</sup>. More specifically, as set out in the Memorandum signed by the Government of Niger with IOM and UNHCR<sup>10</sup>, IOM provides information on the right to apply for asylum and when it finds a prospective asylum applicant, it informs UNHCR's focal point. UNHCR or the General Directorate for Civil Status, Migration and Refugees (DGECMR) meet with the asylum seekers and provide information on the eligibility procedure for refugee status in Niger.

In practice – as confirmed by IOM staff we met in Niger – there is apparently no positive obligation for IOM to refer would-be asylum seekers or people who should receive special protection against the risk of *refoulement*. IOM simply responds to migrants who explicitly manifest their will to apply for asylum after being informed of their right to do so. Great emphasis has been placed on the voluntariness of those who join the return programme, which becomes a key concept in the context of return and request for protection. In other words, the vulnerability screening performed by the IOM Protection Unit on people who wish to sign up for the return programme does not seem to include an assessment of any circumstances whereby the return could lead to a violation of the principle of *non-refoulement*.

As already highlighted, there are various factors that undermine the chance to choose freely whether or not to join the programme. Even more critical appears to be the situation of people who are particularly dependent on the will of others, such as women, men and children who are victims of trafficking. Nigerian women are in a particularly critical situation: they mostly travel through the country with the help of trafficking networks and when they reach Niger they are often forced into sex work in order to continue their journey.

### ***Victims of trafficking and voluntary return***

*Alarm Phone Sahara explains that there is a thriving sex market but it is very hard to intercept these women during this leg of their journey because they are usually locked inside the ghettos and are completely out of contact with the outside world. This is also confirmed by Bachir Ama, former migration service provider, who recounts that a man called Boga is in charge of transporting women and does not allow them to leave the ghetto or anyone to get in touch with them. Moreover, according to APS, in this stage of their migrant journey, many women are determined to go on in spite of the difficulties, and this is why they rarely look for help outside their smuggling networks. By contrast, women can be contacted more easily when they are deported from Algeria because at that moment they are likely to be more interested in receiving support from NGOs and international organisations.*

*However, although OIM staff interviewed in Niamey during ASGI's visit reported that no Nigerian female trafficking victims were referred to UNHCR between 2020 and 2021, the IOM infosheet published in December 2021 shows that 75 victims of trafficking were assisted and voluntarily returned to their country of origin in 2021<sup>11</sup>. Albeit extremely incomplete, these data help us understand the approach used by international organisations involved in migration management and in the protection of migrants in Niger and elsewhere. A*

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<sup>9</sup> <http://www.refworld.org/docid/57fde5cf4.html>. New SOP agreements were signed, but the document cannot be accessed.

<sup>10</sup> The Government of Niger, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) signed a two-year Memorandum of Understanding on 2nd March 2017 for the management of mixed flows in Niger. The MoU sets out identification procedures of asylum applicants in Niger who are West and Central African citizens.

<sup>11</sup> IOM Niger Migrant Resource and Response Mechanism (MRRM) Infosheet December 2021, <https://niger.iom.int/sites/g/files/tmzbd11221/files/documents/iom-niger-mrrm-infosheet-december-2021-en.pdf>

*UNHCR representative interviewed in Agadez during ASGI's visit in December 2021 reported that trafficking is a marginal issue and that there are no proactive operations in place to identify and support trafficked persons. After all, following their identification, victims of trafficking are not directed to pathways of protection and resettlement, but to assisted return despite the risks of being re-trafficked and of suffering serious human rights violations in the cases where they return to their countries of origin, which cannot be effectively prevented by reintegration programmes implemented by IOM<sup>12</sup>.*

Individuals who are considered vulnerable – for example those with serious mental health or physical problems and unaccompanied minors – receive specific attention during their voluntary return procedure. However, as in the case of trafficking, vulnerability does not seem to be considered as a key issue for assessing the voluntariness of their return but rather as a condition requiring special attention when implementing a reintegration project.

As was reported by the OIM staff we encountered, in the above cases OIM often coordinates with the authorities of the receiving country and with IOM offices in the country of origin to contribute to family tracking and ensure the individual's safe return and settlement.

### **Voluntary return and the principle of *non-refoulement***

As confirmed by IOM staff during our mission, there is no list of countries where assisted voluntary return is prohibited given that return is based on voluntariness and consent.

The IOM office in Niamey regularly receives official information from the IOM head office in Geneva on any temporary suspension of returns to certain countries. This does not mean, however, that people are offered an alternative solution, but rather that they will have to wait until the suspension period ends.

It therefore seems that the risk of violation of the internationally recognised principle of *non-refoulement* is not tackled efficiently within AVR system in Niger where risk assessment is not performed on a case-by-case basis but rather according to general or geopolitical considerations which obviously fall short of protecting foreign citizens who sign up for the programme.

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<sup>12</sup> For further details on trafficked women's access to international protection in transit countries, read the following articles published by ASGI, retrievable at: <https://sciabacaoruka.asgi.it/le-conseguenze-dellesternalizzazione-sui-diritti-delle-donne/>, <https://sciabacaoruka.asgi.it/iom-vulnerabilita-alla-tratta-e-migration-management-spunti-per-uno-studio-del-contesto-libi-co/> and <https://sciabacaoruka.asgi.it/focus-nigeria/>.