

# Roadmap to Securing Legal Identity for Migrants in the Processes of Return, Readmission and Sustainable Reintegration (RRR)

## I. Build the Foundations

### ⇒ Give Priority to Achieving Universal Birth Registration

- *Abolish fees for birth registration.*
- *Establish mobile registrars to reach remote or marginalized communities, with capacity in the languages of indigenous or minority communities.*
- *Provide for registration in emergencies.*

### ⇒ Strengthen Civil Registries and National Population Registries

- *Facilitate registration of vital events beyond births, including adoption, marriage, divorce and death*
- *Digitalize civil registries, with a unique number generated for each individual on first registration.*
- *Add biometric identifiers to population registries, with a legal framework in place for privacy and data protection.*

### ⇒ Implement ID4D Principles on Identification for Sustainable Development

- <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/248371559325561562/id4d-practitioner-s-guide>

### ⇒ Mount information campaigns on the importance of establishing legal identity (including outreach in minority languages and in remote areas) and how to access physical or digital documentation.

## II. Remove Roadblocks to Proof of Identity for Returning Migrants

### ⇒ Increase access to consular assistance.

- *Provide routine consular services through online methods, including marriage and birth registrations and applications for national ID documents. Authorize consulates to issue consular IDs for use in the country of destination (CoD).*

- *Institute well-publicized mobile consulates to reach migrant/diaspora communities beyond the reach of fixed-location consular offices.*
- *Where consular capacities are limited, provide information and remote assistance through call centers; consider staffing such centers with knowledgeable returned migrants*

⇒ **Streamline replacement of missing or lost ID documents prior to return to Countries of Origin (CoO)**

- *Authorize consulates to issue national ID documents to returning migrants.*
- *Ensure that documents issued by consulates are recognized as valid legal ID in CoO.*
- *Allow returning migrants to apply on-line for legal identity documents.*

⇒ **Address concerns about legal identity for children born abroad to migrant parents upon return to CoO.**

- *Reinforce the primacy of the Best Interest of the Child as a standard in return decisions involving families with children.*
- *Ensure birth certificates issued to children of migrants born abroad can be recognized in country of returning parent's nationality.*
- *Eliminate administrative burdens in recognition of birth registration across borders, such as the apostille, except in cases where there is good reason to doubt the authenticity of documents.*
- *Adopt universal jus sanguinis for children of migrants, in combination with jus soli in states where jus soli applies.*
- *Eliminate requirements for proof of nationality in provision of basic services to children of returning migrants.*
- *Educate migrant parents, including those in irregular situations, of the accessibility and importance of birth registration.*
- *Ensure that children born in restrictive immigration situations have access to legal identity at birth or at first contact with authorities: eg children born in displacement, in immigration detention, to victims of trafficking, on the high seas, etc.*

⇒ **Address special concerns of migrant women concerning legal identity in RRR processes**

- *Eliminate sex discrimination in a parent's ability to pass her nationality on to her child born abroad.*
- *Eliminate sex discrimination in a parent's ability to register a birth.*
- *Eliminate proof of marriage as a requirement for a woman's ability to register a birth.*
- *Eliminate sex discrimination in birth registration.*

### III. Incorporate Legal Identity Access in Return and Reception Processes

- ⇒ Permit electronic registration of vital events to CoO national civil registries while migrants are in Countries of Destination (CoDs).
- ⇒ Allow migrants who are being returned adequate time while they are still in the CoD to assemble vital records and other necessary documents such as travel documents, school certificates, wage and employment records, professional certifications, etc.
- ⇒ Never confiscate ID documents permanently during apprehension and deportation proceedings in CoDs.
- ⇒ Issue provisional ID documents as needed in CoO reception processes.
  - *Cross-check demographic data with national population registries; enter data if missing.*
  - *Facilitate Issuance of permanent ID documents based on provisional documents issued in reception.*
- ⇒ Waive fees for replacement of national ID documents for people who have lost documents in a natural or man-made disaster and are returning home.

### IV. Establish Co-operation on Re-admission between CoOs and CoDs

- ⇒ Establish communication between CoO authorities (including consular officials) and CoD authorities to establish the nationality and identity of migrants who are subject to deportation.
  - *Modes of cooperation could include ‘model’ agreements for safe and dignified return with recognition and documentation of returned migrants as persons before the law in the CoO; ; mutual prior definitions of identification procedures, dedicated working groups on return, etc.*
  - *Internal consistency among national authorities in both CoOs and CoDs is an essential basis for communication on returns.*
- ⇒ Provide CoO governments and reception facilities with as much timely information as possible about the numbers and timing of migrant returns and share demographic characteristics of migrants who are being returned.
  - *In line with the principle of purpose limitation, limit data in return documentation to that which is required to prove legal identity/nationality (typically name, sex, date of birth, place of birth and parentage).*
  - *Characteristics such as religion, ethnicity, political orientation and gender identification should not be recorded.*

## V. Recognize the Importance of Legal Identity in Reintegration

- ⇒ Use social media to familiarize returning migrants with options for obtaining proof of legal identity before they return. This should also be included in pre-return reintegration counselling if such counselling is available.
- ⇒ Ensure that state and local officials, as well as people who oversee private-sector transactions, understand when proof of identity is, and is not, required for gaining access to public services such as health care and education, as well as access to justice, the job market, bank accounts, and so forth.
- ⇒ Establish methods of recognizing legal identity in the absence of a birth certificate, for example by witness of trusted local figures such as doctors, midwives, religious leaders, employers, civil society leaders, or others who can attest to the parentage or local roots of returning migrants.
- ⇒ Empower local governments to issue identity documents to returning migrants for specific uses such as driving a car, registering property, or voting in local elections.
- ⇒ Engage civil society organizations as partners, or leaders, in efforts to secure proof of legal identity for returning migrants.

## VI. Promote International Cooperation to Strengthen Access to Legal Identity in RRR Processes

- ⇒ Implement multilateral agreements on RRR, based on GCM Objective 21 and in particular para. 37(a), grounded in human rights.
- ⇒ Provide technical and financial donor support to strengthen data capacities for up-to-date, accurate, comprehensive, and inclusive civil/population registries.
- ⇒ *Explore harmonization of required proof of legal identity at the regional level to permit further development of regional free-movement regimes in which return and readmission issues are greatly reduced.*