

Background Note on Repatriation Policy - June 2006

NB: This note is offered as a brief overview outlining UNMIK policy on the repatriation of persons originating from Kosovo denied status in a third country. It is not meant to be a policy paper. Anyone seeking further guidance on the reasons for this policy and additional background information should consult the full documents.

UNMIK's policy on repatriation (commonly known in Kosovo as "forced returns") is based on international human rights standards and the recommendations of UNHCR. It has been the consistent policy of UNMIK not to accept the repatriation of persons who remain in need of international protection according to UNHCR. UNMIK is not opposed to any person originating from Kosovo seeking voluntary repatriation.

UNMIK interprets voluntary repatriation to mean that a person decides to return freely, without coercion, and with the full knowledge of the current situation in Kosovo. Repatriation, or forced returns, involves those people that have failed to obtain refugee or other status and by court or administrative order are repatriated from third countries and returned to Kosovo.

Based on the most recent UNHCR Position on the Continued International Protection Needs of Individuals from Kosovo (June 2006), UNMIK will, at present, not accept the repatriation of the following persons:

- Kosovo Serbs or Roma;
- Kosovo Albanians originating from areas where they constitute a minority, particularly in the northern municipalities of Kosovo, including Mitrovica (North);
- Persons in ethnically mixed-marriages and persons of mixed ethnicity;
- Persons perceived to have been associated with the Serbian authorities after 1990;
- Victims of trafficking;
- Unaccompanied elderly persons who have no relatives or any other form of societal support in Kosovo;
- Separated children without relatives or caregivers in Kosovo, and for whom it is found not to be in their best interest to return to Kosovo.

UNMIK urges that the repatriation of the elderly, ill and separated children for whom relatives and caregivers have been identified should only take place after advance notification and arrangements have been made by the repatriating State, so that there is no gap in the care and protection provided to the person. It is also UNMIK's policy, in accordance with the Convention on the Rights of the Child and the European Convention on Human Rights, to prevent separation of families, except when this is in the best interests of the child.

UNHCR has recommended that the repatriation and return of Ashkali and Egyptians be considered in a phased manner. Accordingly, UNMIK will continue individual screenings of these groups. In assessing the individual possibilities of the potential Ashkali/Egyptian returnees, UNMIK will look at the housing situation as well. These additional measures are needed because of the limited absorption capacity of municipalities to reintegrate these persons and in order not to bring about politically and socially destabilizing factors at a time when negotiations on the future status of Kosovo are under way. Individual screenings are conducted pursuant to agreements reached with governments.