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Abstract

This paper examines the evolution of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) from humanitarian agencies to migration management bodies through the use of Assisted Voluntary Return (AVR) Programs to repatriate asylum seekers. In this paper, I argue that the normative shift toward the use of AVRs by International Organizations (IOs) is detrimental to Global South migrant women because it presents them with a forced decision to return to their countries of origin in exchange for money at the cost of surrendering their access to the refugee regime.

Keywords: *IOM, UNHCR, AVR, Assisted Voluntary Return Program, Gender, Global South, Migration, Refugee Regime, Refugee, IO*

I. Introduction

The International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) have established themselves as the authoritative bodies in terms of establishing principles surrounding refugee management, commonly referred to as the refugee regime and migration management, since the end of World War II. The 1951 Refugee Convention was established by the UNHCR to define the criteria for refugees and to outline the responsibilities of states should they become party to the Convention (Elie 345–47). However, the IOM and the UNHCR have transformed their mandates over the years and have become concerned with migration-management solutions rather than humanitarian aid. One way this has been implemented is through AVRs, which repatriate asylum seekers to their countries of origin. This paper argues that AVRs are detrimental to asylum seekers, especially migrant women, because AVRs present them with a forced decision to return to their countries of origin at the cost of surrendering their statuses as potential refugees. Both the IOM and the UNHCR contribute to this

norm of repatriation as a viable migration policy while ignoring the way this policy limits women's access to the refugee regime. This paper first looks at the origins of the IOM and the UNHCR as humanitarian agencies as well as their evolution into migration-management bodies in order to maintain relevance in the international arena. The paper looks at how the IOM and the UNHCR frame migrant women as vulnerable and how both gender-neutral and gender-specific migration policies can hinder migrant women's autonomy within the refugee regime. Finally, the paper looks at the social and economic consequences of AVRs on migrant women.

II. History of the Refugee Regime
i. The Origins of the IOM and UNHCR

The UN Relief Rehabilitation Administration (UNRRA) and the International Refugee Organization (IRO) were established in order to manage European displacement during and immediately after World War II (Elie 345; Barnett 244). The IRO was created in 1946 as a temporary intergovernmental agency and was established specifically to deal with regularizing the status of World War II refugees (Barnett 244). The basis of humanitarian relief for refugees in 1951 was the principle of nonrefoulement: the right of refugees not to be returned to a country where they risk persecution (Loescher and Milner 193). The UNCHR and the ICEM (the predecessor of the IOM) exchanged information, appointed liaison officers, and worked closely together in 1952 to avoid duplication and overlap of duties (Elie 353–4).

"Refugee" as set out by the 1951 UNHCR Convention was narrowly defined to encompass those affected by World War II as well as those who would fit the criteria for assimilation into Western Bloc countries. Consequently, "refugee" as stated by the Convention was "inescapably political" due to the refugee's "voting with his feet" by leaving his country as a political statement about his dissatisfaction with the current regime (Johnson 1020). Furthermore, the Convention was written with the intention of drawing refugees who were ideally white males with "a past, a story and a voice" (1020). The framing of the post-World War II refugee, then, was as a familiar and benevolent migrant who would assimilate into Western countries without disrupting the cultural and social fabric of the host country. The concept of repatriation was not mentioned in the 1951 Convention, thereby framing the refugee as one who could be fully assimilated into the West and would have no desire to return to his country of origin. This original depiction of the refugee served to attract desirable candidates for asylum and to ease Western concerns about outsiders who might threaten the cultural fabric of Western states.

ii. The Evolution of the Migrant and the "Third World Woman"

Many scholars note a shift in the depiction of the traditional post–World War II refugee to the archetype of refugees used today by IOs. Geiger and Pecoud (2014) state that IOs are capable of "[producing] influential sets of discourses, narratives or 'scripts' that then shape the way issues are framed, apprehended and addressed" (875–76). One example of IOS producing discourses is the shift from the traditional European male to the "third world woman" as a depiction of the refugee. Johnson (2011) notes three normative shifts in how the refugee is imagined today: through a racialized lens, in which the refugee is undeniably non-European (often coming from the Global South; for example, South Asia or Africa); through a feminized lens, where the refugee is depicted as a woman (particularly a mother, daughter, or widow); and through a victimized lens, where the refugee lacks agency and is constantly suffering because of her demographic circumstances (1015). Such a normative shift in the depiction of refugees, Johnson argues, is a strategic tool of IOs to form and implement policy (1017).

Freedman (2010) similarly states that IOs such as the UNHCR have constructed refugees as "vulnerable" or "helpless," which reinforces gendered constructions of women's powerlessness in certain societies (600). Coupled with powerlessness is the notion that migrant women are depoliticized (Johnson 1032–33), implying that women within the refugee regime have no political agency and would therefore have nothing to contribute to the discourse of the refugee regime. Such a notion has invited IOs and academics alike to address the gender dimension of the refugee regime in ways that draw attention to the gendered vulnerability of migrant women but also at times occlude their voices and experiences in ways that reinforce notions of imperialism and North–South inequality. This type of discourse can often reproduce notions of gender inequality among migrant women and perpetuate xenophobia and racism.

III. Gender in the Refugee Regime

In response to the gender-neutral refugee policies advocated by organizations such as the UNHCR, critics have called for gender-specific analyses of refugees. There has been a particular focus on how women are doubly marginalized in the political and social sphere due to their political status as refugees/asylum seekers and as women. Whereas the initial critique of gender-neutral policies put forward by the 1951 UNHCR Convention draws attention to its failure to acknowledge women as

a marginalized group, later gender-specific policies that address the vulnerability of women have also come under pressure because they fail to comprehensively acknowledge the unique plight of migrant women or provide policies that address their status as refugees and as women.

A common critique of the 1951 Convention is that it does not list gender as a source of persecution. Although the phrase "particular social group" is seen as a catch-all for other forms of identity not enumerated in the Convention, Daoust and Folkelius (1996) have stated that a "particular social group" cannot adequately represent women who have transgressed the social mores of their society (180). Further, they state that "gender neutral asylum procedures may ... be detrimental to female claimants as they do not take into account the particular needs of women which may result in inadequate protection for refugee women" (182). Similarly, Beyani (1995) notes that while, in theory, non-discrimination on grounds of sex seems fair, a gender-neutral approach to refugees would actually benefit men more than women due to inherent patriarchal structures (33). In addition, a gender-blind policy toward refugees would seriously undermine how different forms of gender-specific persecution are regarded by the Convention.

As a result, both the IOM and the UNHCR have attempted to integrate gender into their mandates. For example, the United Nation's Decade for Women from 1975 to 1985 attempted to integrate gender with refugee law (Johnson 1031). However, the role of women in the mandate was largely focused on reproductive and domestic tasks instead of gender equality and human rights. The framing of women based on such criteria impeded migrant women from having agency in the refugee regime and portrayed them primarily as assets for male asylum seekers. In 2002, the UNHCR Guidelines on International Protection incorporated a gendered lens to the Convention; however, it made the distinction that a gender-related claim depended not on its applicability to an asylum case but on its "causal link" between the claim and the reason for fleeing (5). As a result, the guidelines do not fully address the vulnerability of women in transit or awaiting refugee status and, therefore, are not fully comprehensive in addressing the gender dimension of women in the refugee regime. Similarly, the IOM's 2015 Report on Assisted Voluntary Return and Reintegration states that almost a third of returnees were women, signalling a need for tailored assistance on the basis of gender (8). Despite the significance of these findings, there has not been a fundamental change in how women are processed in the refugee regime.

Critics of the UN's approach to the persecution that women face note that gender-based violence exists in the "private sphere" and is difficult to quantify or articulate in the Convention (Matesic 9–10). Barnett (2002) states that the refugee

regime typically focuses on public forms of persecution while ignoring private forms of persecution such as rape (256), thus limiting the applicability of the Convention to women. Critics have attempted to highlight these oversights by the UN, but Matesic argues that the call for attention to third-world women in the refugee regime can inadvertently support Western imperialism. This is because such a call reinforces the monolithic category of the "third world woman," which can occlude other forms of injustice—such as Western and state-juridical oppression—in which the critics of a "universal/othered patriarchy" are complicit (11). One such example is the Western depiction of Islam as "monolithic, oppressive towards women, and cruel and inhumane in all of its practices" (20). The normative discourse produced by these categories and depictions of migrant women's oppression gives power to IOs in how they form policies that attempt to "empower" migrant women. In reality, these policies merely present these women with alternative forms of racialized oppression.

Despite the ostensible push to address gender-specific issues, the UNHCR and the IOM remain largely gender-neutral in their processing of migrants, and little substantial policy has been implemented to address gender-related issues of persecution. Freedman (2010) states that this "problematic dichotomy" of ethnocentric and racializing attitudes toward gender inequality ought to be shaped through an intersectional lens that would examine the global norms that frame female refugees in a way that incorporates local and international contexts of persecution against women (603). Indeed, greater input from marginalized voices and greater attention to cultural contexts would serve to create more meaningful policies that would substantially address the sources of gender-based persecution and violence.

i. Normative Shaping of Discourse by IOs

IOs shape both policy regarding migration and the discourse surrounding global issues, which provides them immense autonomy when conveying knowledge to states. As Geiger and Pecoud (2014) state, IOs such as the IOM operate with a managerial logic that appears purely beneficial to all, but at the same time, they work to depoliticize migration for their own benefit (877). This purportedly objective, scientific approach to migration management obscures the fact that IOs like the IOM and the UNHCR normatively shape the way migrants are viewed and also how the IOs themselves maintain relevance in the global agora, especially as assets to states (870, 877). Similarly, Barnett and Finnemore (1999) state that IOs present themselves as "impersonal, technocratic, and neutral—as not exercising power but instead as serving others; the presentation and acceptance of these claims is critical

to their legitimacy and authority" (p. 708). This presentation of the IOs as neutral gives them the ability to shape discourse essentially without challenge.

The role of the IOs, therefore, is detached from the original mandate of humanitarian aid; their new function is to survive by appealing to clients as relevant and competent bodies in the field of migration. Many see the attachment to state funding as the driving factor behind this shift toward migration management (Freedman 596; Geiger and Pecoud 875). According to this view, the influence of states fundamentally derails the mandate of IOs. Whereas originally IOs were intended to address human rights violations, state funding has encouraged IOs to simply manage migrants as efficiently as possible for their clients.

One way of attempting to legitimize an IO's expertise in the eyes of its clients is to use the language of humanitarianism while operating according to the procedures of migration management. This practice represents a radical departure from the original intention behind IOs. Although IOs continue to utilize the discourse of humanitarianism, they no longer view humanitarianism itself as their primary mandate. For example, Ashutosh and Mountz (2011) state that the IOM represents a form of "strategic cosmopolitanism" that uses the "weak legal gloss" of human rights in order to facilitate coercive mechanisms of the state (25). This strategic cosmopolitanism is carried out through a "technocratic rule" that excludes migrant voices and undermines the signatories and the relevance of the 1951 Convention and the subsequent 1967 Refugee. The contradictory and dysfunctional way in which the IOM operates in relation to its original mandate of humanitarian relocation of European migrants is what Barnett and Finnemore (1999) refer to as "pathological behaviour" (702), which illustrates how far IOs have strayed from their original mandates in order to remain relevant in the global arena.

Like the IOM, the UNHCR has expanded its mandate in order to remain relevant to the interests of key donor states, which has led to the overexpansion of its activities. Geiger and Pecoud (2014) refer to this as "bureaucratic entrepreneurship" whereby IOs expand in order to respond to external opportunities (870). This overexpansion has had negative consequences for protection and solutions to migration (Loescher and Milner 205). In addition to its deference to the interests of a limited number of funding states (196–97), the UNHCR also has links to other IOs within the UN that contribute to how the UNHCR shapes discourse on migration and migrants (200). For example, the UNHCR launched the "Framework for Durable Solutions" in 2003, which involved cooperating with the United Nations Development Programme (UNDP) and the World Bank (UNHCR 5). This interaction between different IOs in the UN influenced the UNHCR to alter its mandate to incorporate repatriation as a financially "durable solution" to managing migrants.

Thus, both external bodies (such as donor states) and internal bodies (such as collaborative UN IOs) can influence the mandates of IOs to conform to frameworks that do not necessarily serve the original intent of the IOs.

Both the IOM and the UNHCR engage in migration management, which builds norms regarding how migrants are perceived by states and non-governmental actors. Koch (2014) states that the UNCHR and the IOM legitimize each other's actions through the methods by which they regard migrants as bodies to be managed rather than as victims of human-rights violations (906). Similarly, Barnett and Finnemore (1999) state that IOs exercise power by ascribing significance to migrant subjects and their situations, meaning that they are able to dictate how migrants' experiences are conveyed to Western stakeholders (711). In doing so, IOs exercise power over the migrants (subjects) and can shape the way in which they are regarded, from humanitarian subjects that states are obliged to assist to quantifiable migrants that must be managed and to whom resources must be allocated. The IOM's reports serve as an example of how migrants have been transformed from humanitarian subjects to quantifiable subjects by IOs. In 2015, the IOM reported that 69 540 migrants were returned from 97 host and transit countries and 156 countries of origin in 2015, with 1844 being victims of trafficking and 580 being unaccompanied minors (8). Rather than focus on the particular situations of the migrants and the plights they face, the IOM provides lists of numbers. This quantification serves only to prove the efficiency of organizations such as the IOM in the refugee regime and reiterate the relevance of such IOs.

IV. Assisted Voluntary Return Programs and their Effects on Migrant Women

To establish themselves as efficient and relevant IOs, both the UNHCR and the IOM have adopted Assisted Voluntary Return (AVR), a type of repatriation program, to manage the flow of migrants from the Global South into the Global North. The IOM defines AVR as "administrative, logistical, financial and reintegration support to rejected asylum seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin" (IOM). Prior to 1980, repatriation was viewed by the UNHCR as only one of three durable solutions to refugee influxes (Barnett and Finnemore 722). The issue of repatriation rested heavily on safety and voluntarism, since forced repatriation violated the principle of nonrefoulement (722). Over time, however, a greater influx of migrants resulted in a lowering of the standards for repatriation and, consequently, more involuntary repatriations were carried out by the UNHCR despite its inability to guarantee that

returnees were integrated into environments "conducive to voluntary, safe, dignified, and sustainable return" (UNHCR 7). In 1996, the UNHCR "recognized the need to contextualize standards of voluntary repatriation," thus re-evaluating the standards of refugee protection (Koch 913). Today, the UNHCR focuses more on preventative measures to migration issues. By shifting toward an operational approach that provides care on location, the UNHCR hopes that potential migrants will never need to access the refugee regime at all (Barnett 251). However, despite these efforts, AVR remains a major component in contemporary migration management.

To legitimize Assisted Voluntary Return, IOs employ a human rights discourse in the form of a superficial choice offered to migrants to return to their countries of origin. Koch (2014) notes that:

> States may enforce returns with reference to the rights-dimension, disregarding the fact that voluntariness is an essential element to make rights effective…Official return policies…exclude individuals from the potential benefits offered to other residents of the respective host countries (908–9).

Therefore, AVR presents migrants with the choice of returning home while simultaneously limiting their access to the refugee regime. Because the IOM and the UNHCR engage in this practice, they "legitimize each other's engagement…[and are] involved in norm-building regarding the social and political acceptability of state-induced returns" (906–7).

The IOM conceptualizes Voluntary Return as providing "opportunities" for displaced persons. It offers free transit and cash for these migrants to rebuild their lives in exchange for the withdrawal of asylum applications, thus forcing them to declare that they do not have a well-founded fear of persecution in their home countries (Ashutosh and Mountz 29). Furthermore, the IOM highlights success stories of reintegration in order to create a perception among asylum seekers that repatriation is completely voluntary and benign (30). Geiger and Pecoud (2014) highlight that IOs have the ability to shape how words are perceived. Consequently, a return may be "voluntary" only because influential actors have decided to label it as such (879).

Another major caveat to the AVR program is the fact that many of the women who volunteer to return to their home countries often do not make their decision entirely on their own. For these women, the "choice" is made while facing great financial and social pressures. In fact, Encinas (2016) found that a majority of women who accepted AVRs felt "pushed to sign up" due to the immediate cash

provided and the lack of essential services in their host country (85). Additionally, many women felt as if the males in their households made or influenced the decision to accept the AVR program (85). Although in theory AVR provides migrant women with greater choice, in practice it often limits their agency.

Further disadvantages to "choosing" between repatriation and asylum include the personal burden and isolation one must bear for choosing to return to one's home. This situation arises because the people who return via AVR programs are cut off from access to networks that would provide returnees with the tools to reintegrate into their country of origin (85). Unfortunately, many returnees, especially women, return to war-torn states that lack the infrastructure required for reintegration. Lietaert, Broekaert, and Derluyn (2016) state that the decisions made by migrants are a mix of compulsion and choice, since most consider returning to be their only "left-over option" (3). Furthermore, the restrictive policies that forbid migrants who have repatriated from accessing the host country for five years contribute to the difficult choice that AVR programs provide (11).

This ordeal is especially difficult for migrant women who are pushed due to household and marital commitments, financial constraints, or societal pressures to accept AVR programs in order to provide for their families (Encinas 85). The push to accept AVR programs can be especially damaging to women, who already have limited access to the refugee regime because of their gender and their precarious statuses as asylum-seekers. Further, states push AVRs onto women in order to maintain economic efficiency in migration management, regardless of whether AVR would be best for the woman in question. In this manner, AVRs contribute to neo-imperialism and neo-liberal policies insofar as they regulate migrant bodies—especially those of women—and disregard the legitimacy of women's original claims of persecution, all in the pursuit of greater economic efficiency (Ashutosh and Mountz 30). Therefore, AVR programs do not provide viable options for many migrant women because they take a neo-liberal approach that uses cash incentives in order to influence the decisions of women under economic and social constraints.

V. Conclusion

The normativity of AVRs is constructed by IOs such as the IOM and the UNHCR to induce repatriation and to limit the responsibility of states to accommodate refugees under the 1951 UN Refugee Convention. Although the IOM conceptualizes repatriation of marginalized women as empowering, AVR is not a truly free choice, and consequently it contributes to alternative forms of oppression that the actors of the Global North impose on women of the Global South.

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