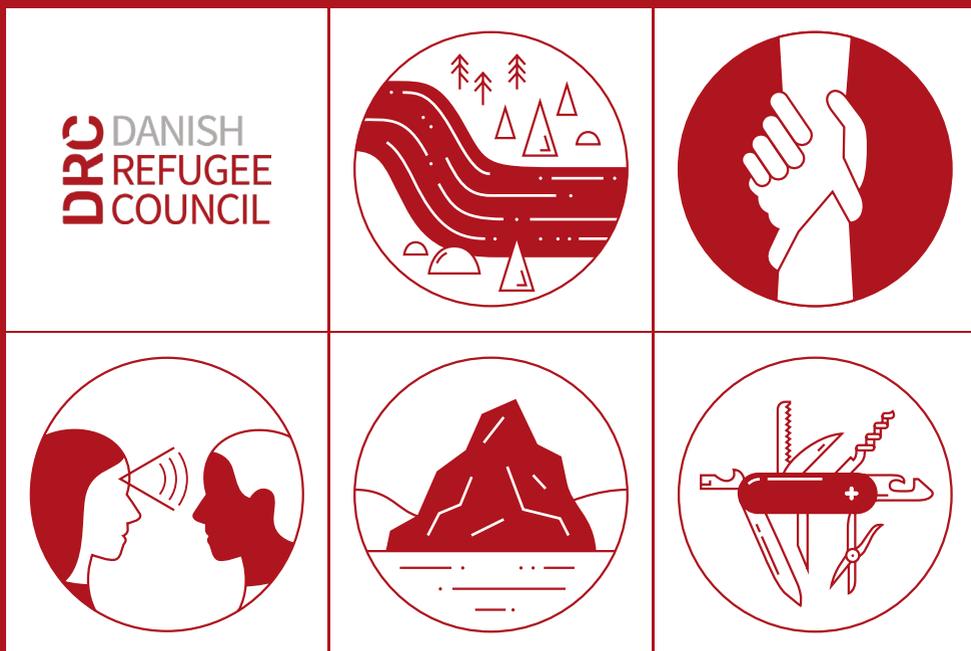


Return Counselling in a European Asylum Context



DRC Return Counselling Methodology Brief

The Methodology employed by DRC when counselling
rejected asylum seekers in Denmark about return

August 2021

This brief highlights central aspects of DRC’s evidence-based return counselling methodology. **The purpose is to share hands-on good practice and important insight into the complexities of performing return counselling.** It touches upon the methodology applied during *interaction* in a counselling situation and not upon standards or best-practice models for the actual return process itself.

In the pursuit of increasing return rates from Europe, policymakers mostly tend to focus on using speedy procedures and punitive measures to ‘motivate’ rejected asylum seekers to return and the topic of return itself is increasingly becoming a question of politics. Rhetoric about the importance of voluntary return and sustainability are thus rarely followed up by evidence-based action or by an acknowledgement of the complexities of the situations for the individuals concerned and of the counselling process itself. Increasing voluntary returns and supporting sustainable solutions is a complicated and multifaceted task but, on an individual level, it begins with a person accepting and deciding to return on an informed basis. To reach such a decision is rarely a simple and linear process where correct information about legal possibilities to remain or to be assisted at return is the only

decisive factor. It also requires time and a safe, competent environment to be advised and calmly discuss strategies and thoughts of returning without fear of sanctions.

DRC believes that **impartial, independent, and non-directive** return counselling with access to legal counselling should always be part of an inclusive and dignified return procedure and is concerned about the development in many European countries where impartiality is set aside due to a political agenda to increase return rates. Restrictive or no access to impartial counselling may in fact be counterproductive when it comes to increasing voluntary returns and supporting sustainable solutions. In DRC’s experience, ensuring high quality, non-directive return counselling will often result in a more dignified process for the individual – and an increased preparedness for return.

Since the beginning of the 1980s, DRC has been providing legal counselling to asylum seekers in Denmark through all stages of the asylum procedure, including after a final rejection of the asylum application. Return and reintegration projects have been a part of DRC's activities in Denmark since 2004 and impartial, non-directive, and independent return and reintegration counselling has been a continuous offer from DRC to the broad range of rejected asylum seekers in Denmark since 2014. DRC is also an active member of the European Reintegration Support Organizations network (ERSO) – a network of European NGOs with partnerships in 30+ countries around the world through which reintegration counselling and support is made available.

DRC's return counselling service is mandated to promote voluntary return and is based on humanitarian principles and a rights-based approach. Return is often described as either voluntary or forced but, it is often in reality a grey area in between. For rejected asylum seekers, the decision to return is usually initiated by the authorities' return decision and the risk of forced deportation, thus the decision is seldom made voluntarily, but rather due to lack of alternative options. Being aware that rejected asylum seekers then rather accept than *voluntarily consent* to return, DRC in Denmark operates with the term *accepted return* to describe individuals who agree to return but where a legal order and threat of possible sanctions may have influenced the decision.

The purpose of DRC Return Counselling

→ To ensure that asylum seekers have **access to impartial, independent, and non-directive counselling** about return and reintegration throughout the asylum procedure and as soon as possible after a final rejection

→ To ensure that rejected asylum seekers have access to **thorough knowledge and information** about their situation and about the different choices and possibilities they may have, allowing them to make an **informed decision** about their future – including whether or not to accept return and apply for reintegration support

→ To motivate and **inspire agency** among rejected asylum seekers to make informed, active decisions for their future

→ To **protect rights** of asylum seekers in the return procedure and identify and react to problems

Definitions: Return and Reintegration Counselling

DRC counselling is always **voluntary, impartial, independent, and non-directive**.

DRC carries out counselling in personal face-to-face interactions but also engages in counselling online, via telephone, video, digital media, and in multiple locations such as asylum centers, prisons, and detention centers.

Performing return and reintegration counselling requires substantial knowledge (of e.g., law, legal processes, national and local contexts, reintegration programs etc.) but equally important is the ability to engage and interact professionally with excellent communication skills, empathy, and a sense of timing. This brief does not concentrate on the obvious importance of correct and updated knowledge about procedures and rules. Rather, it goes into depth with how to disseminate knowledge, and through counselling and communication skills engage with people in vulnerable situations in a manner where they feel heard, helped, and empowered – and subsequently are able to make an informed decision.

DRC distinguishes between return and reintegration counselling even though the two are closely intertwined and in practice often difficult to separate:

Reintegration Counselling

Reintegration counselling is primarily aimed at nationalities where a reintegration program is made available in the country they return to. Rejected asylum seekers engage actively in reintegration counselling when they are seriously considering returning and wish to explore the possibilities and extend of support available. Counselling is focused on ensuring a good and well-informed return process, and on preparing the reintegration process and activities upon return. Competent reintegration counselling is thus con-

tributing to the individual's process towards sustainable reintegration.

The reintegration counselling includes both pre- and post-return elements. The pre-return counselling includes conversations about challenges and possibilities, competences and skills, and identification of special needs or vulnerabilities of the returnee that needs to be addressed. It also includes information sharing with – and facilitating contact to - the local reintegration partner and depending on how resolved the returnee is on his/her re-

integration activities, support planning and research to initiate the development of a reintegration plan. Post-return, the counsellor will often be in contact with the returnee. This is often initiated by the returnee who may have questions regarding the reintegration partner or the support. In some cases, especially if the returnee is in a vulnerable situation, it may also be the counsellor who follows up to ensure that the returnee has arrived well as a reassurance-post-return-check-in. This also allows for counsellors to gain insight into the reintegration processes in the specific local and national context and obtain a better understanding of the challenges that may exist. On a different level, administrative support will be given to the local reintegration partner to prepare the case and to develop and finalize reintegration plans, budgets, and reporting.

Return Counselling

Return counselling is aimed at all rejected asylum seekers; not only those who have decided to return but also those who may be unresolved, confused or not able to relate to their (new) situation. Dialogue is the key instrument.

Often return counselling consists of two elements: *case clarification and situation clarification*.

Case clarification is information and guidance, based on the individual needs of the asylum seeker, on the rejection of the asylum application and the process leading up to the rejection; the asylum procedure as such. It may involve referral to legal counselling and/or thorough, repetitive conversations about the process and the rejection of asylum. Some rejected asylum seekers may feel completely detached

from their asylum case, unable to make sense of the legal process they have been through. This may obstruct agency and spire feelings of injustice, frustration, confusion, and uncertainty which can prevent rejected asylum seekers from looking forward. The purpose of a case clarification process is to facilitate a better understanding – not necessarily agreement – of the negative decision, and an increased capacity to come to terms with the rejection of the asylum application. It goes without saying that this presupposes that the decision to deny asylum has been made with due regard to national and international human rights standards, especially the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. A successful case clarification process should leave the rejected asylum seeker with a better understanding of his/her legal situation and

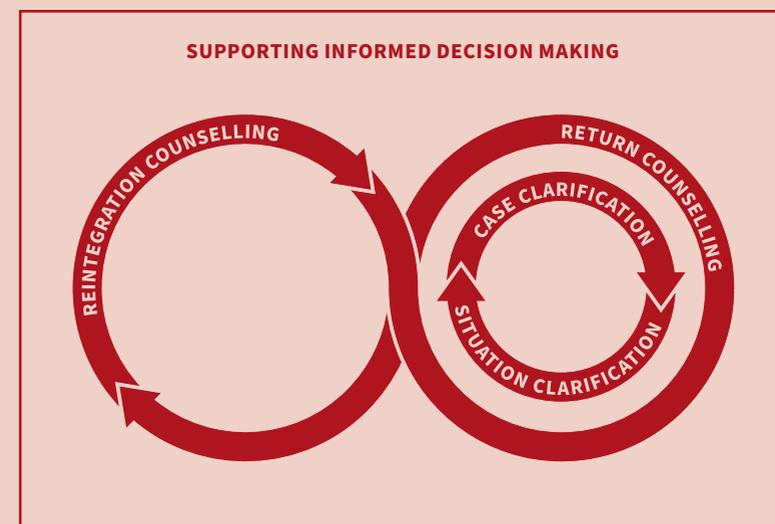
will often lead to dialogue about ‘What now? What should the future bring?’, and following discussions about different future scenarios, including the possibility to return. In other words, what DRC regards as situation clarification.

The overall starting point for situation clarification is the asylum seeker’s own perspectives and thoughts about the future. Counselling is thus guided by the topics that the asylum seeker brings to the table and will often involve conversations about worries, strategies, and reflections about his/her situation as well as information about procedural steps in the return procedure and possibilities for any practical, social, and financial support upon return.

DRC has a holistic and pragmatic approach to return counselling. Activities are not narrowed down to just

‘talk and information about return’. Rather, return counselling is most effective and of benefit to rejected asylum seekers when it is carried out within a broad framework of topics and activities, and guided by the individual needs of the asylum seeker. It is a field where sanctions and simple information-giving rarely lead to clarification and active decisions about return. Counselling should be open-ended and strive to create a positive change for the individual, supporting people in their independent and informed decisions.

Return counselling might thus not be an adequate nor comprehensive term. It is, however, broadly used across Europe where approaches to return counselling exists in various forms depending on the mandate of the providers, ranging from NGOs to state actors. As DRC is operating in



a European return context, applying the term 'return counselling' seems on one hand meaningful in the absence of an alternative since it speaks into a general understanding of a European common context. On the other hand, it lacks the complex connotation the DRC approach contains where counselling is holistic and involves both retrospectives and focus on future perspectives.

It is in practice difficult to set a sharp distinction between the different stages of a counselling process. Counselling sessions will often include elements of both return and reintegration counselling, case- and situation- clarification.

This brief concentrates on the methodology used in return counselling when engaging in conversations with people in vulnerable situations with a purpose to facilitate informed decision-making. Focus is on counselling sessions with people who may be unresolved and deeply affected by the situation they are in. The methodology, however, is relevant for all reintegration- and return- counselling activities.

The DRC Return Counselling Methodology

An evidence-based methodology

The DRC return counselling methodology is developed based on extensive experience and with the purpose of ensuring competent counselling skills and a common approach among return counsellors. The methodology is based on several years of systematic data collection (of what works and what does not), using a qualitative data collection tool with set indicators. The data has been complemented with biannual evaluations, regular reflection sessions among counsellors, and input from interviews with rejected asylum seekers in Denmark and with people who have returned as well as relevant stakeholders in the return and reintegration process.

This solid knowledgebase of data forms the basis of the DRC return counselling methodology.

Engaging in return counselling with this approach will, in DRC's experience, ensure a more dignified and inclusive process for the potential returnee.

The approach has been developed exclusively for counselling of adults, and counselling of children is not addressed in this brief. DRC also engages in counselling of both unaccompanied children and children in families and even if elements of the approach may be relevant, counselling of children requires a specific child-sensitive approach with strong safeguards that upholds the child's best interest and encourages participation with the child's views and needs at the center of attention.

The methodology stands on three basic principles:

- **A nuanced understanding of the clarification process.** Counsellors must engage in return counselling with a nuanced understanding of the clarification process rejected asylum seekers face, as it is often a complicated process to come to terms with a rejection and a return decision. Most

Three Basic Principles

people are not ready straight away to decide about their future and the process requires time for reflection. The process may be complicated by complex feelings of lost hope, insecurity about the future, frustration, and sometimes apathy. Some may have left their country many years ago and have had long-term stays at asylum centers. Others may never have been in the country they are required to return to before. To move away from a state of indecision or uncertainty towards finding motivation and clarification is rarely a simple and linear process. Acknowledgment of the complexities and of the many ‘winding roads’ from rejection to departure is an absolute central starting point for providing return counselling.

COMPLEXITY **TIME** **NO LINEAR PROCESS**

→ **An accommodating approach.** When entering counselling sessions with an accommodating approach, counsellors will engage with potential returnees with respect, professional empathy, and with a strong recognition of the person’s individual situation and perspective – in order to create a ‘counselling space’ of trust and involvement. Potential returnees are met as equal human beings and counsellors will listen and gradually gain an understanding of the individual needs, and at the same time support the person in forming realistic expectations for the future. Return counselling is thus professional interaction between two human beings – who are just in very different situations and positions. This does not compromise the professional role of the counsellor.

PROFESSIONAL EMPATHY **HUMAN-TO-HUMAN**

→ **Empowerment.** Counselling based on an empowerment perspective entails a view on the potential returnee as an independent person with agency and with the power to act. Everyone – even people in extreme vulnerable situations who may not have much confidence in own abilities – has resources and the potential for change. During counselling, counsellors will actively look for and spot strengths and capacities of the potential returnee to visualize them and enhance self-confidence about own abilities to facilitate independent, informed decision-making. The counsellor will always strive to engage with no preconceived notions of what is best for the returnee and will never express an opinion of what to do. The counsellor’s role is to support informed choices based on the perception that the returnee is ‘the expert in his or her own life’. This also counteracts counsellors’ potential eagerness of ‘wanting-to-fix-it-all’ and puts the decisions back in the hands of the returnee – but with respect and empathy in a professional and ethical manner.

AGENCY **EXPERT IN OWN LIFE**

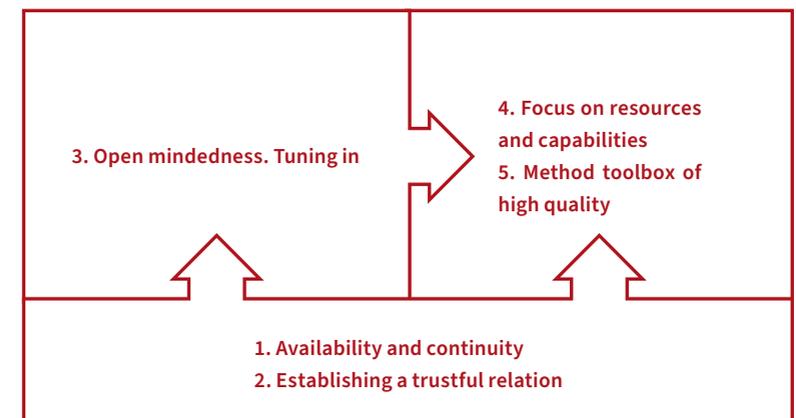
Five Key Components

DRC return counselling is structured around five central and coherent key components which have been developed based on comprehensive data. The key components are basic elements to ensure high quality and a common counselling approach and must be present in all DRC return counselling activities. They are:

- 1. Availability and continuity**
- 2. Establishing a trustful relation**
- 3. Open mindedness. Tuning in**
- 4. Focus on resources and capabilities**
- 5. Method toolbox of high quality**

The five key components are put into play as illustrated in the figure.

This means that key component 3 (open mindedness) is most relevant in the start-up of a counselling session as it is important at this stage to get an impression of the potential returnee and of his/her situation. This can set the scene for the rest of the counselling cycle. Key component 4 (resources and capabilities) and key component 5 (method toolbox) come into play during counselling, while key component 1 (availability and continuity) and 2 (trustful relation) form the very basis for being at all able to work with the potential returnee and must thus have a consistent focus throughout the process.





Availability and continuity

As the clarification process is often lengthy and multifaceted and the motivation and preparedness to engage in return counselling vary a lot, counsellors need to take an active role, be patient but also persistent in making contact and establishing a good and trusting relation with the potential returnee.

One of the absolute main cornerstones of DRC return counselling is that it is voluntary. No one is forced to talk to a counsellor, and counselling is always carried out with respect for the individual circumstances of the potential returnee. Thus, counsellors take the approach of being ‘empathetically insisting’ on supporting the returnee in engaging in counselling, in remembering appointments, agreements, and promoting progress from session to session. Flexibility in when and where counselling takes place is key. Counsellors need to be available to the widest extent possible, have an ‘open door’ policy, and thus give the opportunity for the returnees to make contact when there is a need or motivation to talk. Basically, the counsellor should be as visible and present as possible (not necessarily physically but also online) when and where it makes sense for the returnee. This, combined with persistence and continuity in the contact, fosters the basis for a trustful relation.



Establishing a trustful relation

An essential part of the initial and ongoing work with a potential returnee is to build trust. Without trust, the information given during counselling will not be well-received or trusted and the returnee will be reluctant to open-up and share details about personal issues during a session. Building trust is a process and not always something that can be established during just one session. It needs attention and intensive work, especially in the beginning of a session. It is also important to match a counsellor with a returnee and try to keep the same counsellor during the entire counselling process. The match must be evaluated continuously (and maybe changed) to make sure that it provides the best basis for dialogue.

A central part of building a trusting relation is that counselling is competent and voluntary, and that DRC is not part of the authorities and has no power as such. Returnees can change their minds and bring topics up during counselling without fear of sanctions. Many have, as part of a clarification process, a need to discuss different strategies and plans – not just plan A (stay) and plan Z (return) but everything in between. Acknowledging the different strategies and creating a safe, competent environment where the returnee can be advised and calmly discuss thoughts of returning home – also positive thoughts that may have been repressed for a long period – will often allow the returnee to move forward and ‘clear’ issues that may overshadow and prevent decision-making.



Open mindedness – tuning in

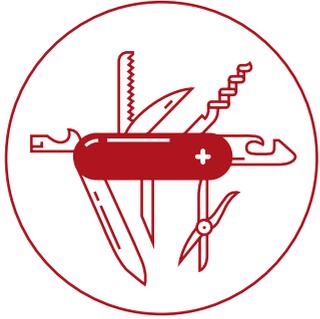
As a first step, counsellors need to get an impression of the potential returnee – ‘tune in’ on the human being – and consider how the individual circumstances of the person will affect form and content of a counselling session. Tuning in with an open mind allows the counsellor to structure and adjust the session based on knowledge (not preconceived notions) and a strong sense of the returnee’s individual and specific situation. Getting an impression during first interactions is an inevitable human process that often takes place quite unconsciously. However, by actively emphasizing the importance of this phase in counselling, it raises awareness and makes the process more explicit and thus easier for counsellors to strive to enter a counselling room with a ‘blank canvas’ and without too many preconceived and fixed notions about who and what they will meet.

A too set agenda may sometimes block for making important observations that can be useful in the long run. Getting knowledge about the returnee, his/her background, values, rationales for behavior, choices, and actions, helps to establish a stronger basis for a constructive counselling session and a tailored approach. This knowledge makes it easier to choose the most suitable methods and counselling techniques with a strong sense of timing and understanding of how and when certain (sensitive) topics are brought into the conversation. When being open, observant, and attentive, counsellors will, in other words, better be able to identify the important ‘conversation openers’, bringing up the right topics and questions at the right time, that will open up for a constructive dialogue about e.g. sensitive issues and the possibility to return.



Focus on resources and capabilities

Return counselling is a professional discipline and a complex hybrid of specialized knowledge of the asylum and return procedure, of reintegration programs as well as human contact and interaction with people in very vulnerable situations. Counselling should enable potential returnees to make choices based on knowledge and thorough information and its focus is not narrowed down to just motivating people to return. Rather, it is about inspiring agency and motivation in general, to support clarification and create the best possible conditions for independent and informed decisions. A core purpose is thus to strengthen autonomy and pave way for reflections. To move the person away from a state of indecision and feelings of being unresolved, confused and in some cases apathy, counsellors should initiate and support reflections about 1) own autonomy; the returnee has the ability to act even when the ‘room to maneuver’ is very limited 2) possible opportunities, 3) motivation for changing or maintaining the situation and 4) capabilities; the strengths and capacities that the returnee holds and has to mobilize. Counsellors should, thus, actively look for and spot the strengths and capacities of the returnee e.g. by using ‘affirmations’ in interactions to help build confidence and believe in own abilities. Affirmations are statements and gestures that recognize strengths. It is about the ability to notice and comment on the positive aspects (and should not be confused with praise).



Method toolbox of high quality

A return counsellor needs to have a fully equipped toolbox of communication methods and techniques to be able to establish trust and ensure constructive dialogue. Counselling is a professional activity that needs to be studied and practiced to maintain high quality – just as knowledge about law, reintegration programs etc. needs to be regularly updated. In return counselling DRC uses elements from resource- and empowerment-oriented approaches such as Motivational Interviewing (MI) and counsellors are trained in several different techniques, e.g., summarizing, affirmations, rephrasing, open/closed questions, meta-communication, standards of best practice when working with interpreters, creating structure, free narrative, establishing a rapport, active listening, etc.

It is important not to let the methods and techniques control the dialogue but rather to bring them into play with situational awareness and as supportive elements to facilitate a constructive dialogue. Each counsellor must learn the methods, train, and be able to adapt them to his or her personal ways to engage – and use them with timing targeted to the specific context and individual returnee.

It is a balancing act to navigate in the European political landscape of return as an NGO mandated to assist refugees and the displaced, protecting them from harm, safeguarding their legal rights, and empowering them towards a better future. Applying the DRC approach and methodology in return counselling along with access to legal counselling, sufficient time, and dignified stay, supports return based on humanitarian principles and is an important contribution to a sustainable solution for the individual.

DRC's Best Practices for Return Counselling

Extract from DRC's Policy Brief on best practices for return counselling with factors supporting return counselling as part of a dignified procedure

- #1 Counselling about return is best done in a safe and non-directive atmosphere by well-trained non-governmental counsellors.
- #2 Rejected asylum seekers must be offered sufficient time to be able to relate to their (new) situation in a return procedure, consider their choices and build-up trust in the return counsellor.
- #3 Rejected asylum seekers should be offered access to legal counselling.
- #4 The rejected asylum seekers' dignity must be upheld in the return procedure and they should not be imprisoned.
- #5 Reintegration support can motivate some rejected asylum seekers to return.

Return Counselling. Supporting informed decision-making through impartial, independent, and non-directive counselling. A Policy Brief on best practices for return counselling based on the Danish Refugee Council's experiences, February 2019. (<https://drc.ngo/media/b5fjkzpz/drc-policy-brief-return-counselling-february-2019.pdf>)

DRC's Core Positions on Return

Extract from DRC Return Policy. Positions and guiding principles for DRC's engagement in return of refugees, IDPs and rejected asylum seekers.

- #1 All forcibly displaced persons have a right to be protected against refoulement, to receive protection and assistance in accordance with international human rights law and should not be forced or pressured through i.e., untenable conditions in the host country to return to the area of origin under unsafe circumstances and conditions non-conducive for reintegration.
- #2 DRC respects the right of States to return individuals without legal residence provided the decision to deny asylum or to withdraw refugee status has been made with due regard to national and international human rights standards
- #3 Inclusion and dignity of all concerned individuals must be upheld in the return process
- #4 The right to return "all the way home" must be guaranteed
- #5 Forced return, even if legally sanctioned, should be avoided
- #6 Return must not be viewed as the mere physical movement of people back to their area of origin but should always be accompanied by post-return monitoring and meaningful reintegration support.
- #7 Refugees and IDPs must be supported in building capacities and develop skills while in exile to enable dignified life and improve the chances for sustainable return.
- #8 Return should not be seen or promoted in isolation. In a protracted crisis, all three durable solutions should be pursued simultaneously and a host-government's potential preference for return should never dilute DRC's programming and advocacy to promote local solutions and resettlement.

DRC Return Policy. Positions and guiding principles for DRC's engagement in return of refugees, IDPs and rejected asylum seekers. October 2018 (https://drc.ngo/media/a0dddb2w/drc-return-policy_external_oct-2018_update-jan2019.pdf)

About DRC

The Danish Refugee Council (DRC) assists refugees and internally displaced persons across the globe: we provide emergency aid, fight for their rights, and strengthen their opportunity for a brighter future. Our vision is a dignified life for all those who are displaced.

DRC was founded in Denmark in 1956, and has since grown to become an international humanitarian organization with more than 8,500 staff in 40 countries and 8,000 volunteers. We work in conflict-affected areas, along the migration routes, and in the countries where refugees settle. In cooperation with local communities, we strive for responsible and sustainable solutions. We work toward successful integration and – whenever possible – for the fulfillment of the wish to return home.

The DRC Asylum Division in Denmark has for decades been providing counselling to asylum seekers in all phases of the Danish asylum procedure, including in the return procedure.