

**Office of Returns and Communities
Office of the Special Representative of the Secretary-General**

Background Note on Forced Returns Policy

NB: This note is offered as a brief overview outlining UNMIK policy on forced returns. 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 forced returns is based on UNHCR's position paper on the continued international protection needs of individuals from Kosovo, the latest version of which was published in August 2004. It has been the consistent policy of UNMIK not to accept the forced return of persons who remain in need of international protection according to UNHCR.

At present, UNMIK will not accept the forcible return of the following persons:

- Kosovo Serbs, Roma, Ashkaeli and Egyptians (RAE)
- Kosovo Albanians / Bosniaks originating from areas where they constitute a minority, particularly in the northern municipalities of Kosovo, including Mitrovica (North)
- Kosovars who face serious protection-related problems including physical danger, Kosovo Albanians in ethnically mixed marriages, persons of mixed ethnicity and Kosovo Albanians, Gorani and Bosniaks perceived to have been associated with the Serbian regime.

In addition, UNMIK does not accept the return of the following individuals:

- Chronically or otherwise severely-ill persons whose condition requires specialized medical intervention of a type not currently available in Kosovo;
 - Persons with severe and chronic mental illness - including Post Traumatic Stress Disorder (PTSD)- whose condition requires specialized medical intervention of a type not currently available or rarely available in Kosovo;
 - Severely handicapped persons (including their caregivers) whose well-being depends on a specialized support system not currently available in Kosovo;
 - Unaccompanied elderly persons who have no relatives or other societal support in Kosovo.
- 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.
 - 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.