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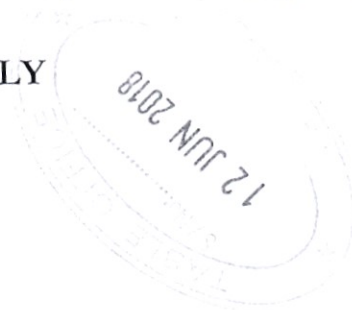
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*Paper laid by the
Hon. Jide W. Juma on
Thursday 12/6/2018
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THE NATIONAL ASSEMBLY

(SECOND SESSION)



REPORT OF THE KENYAN PARLIAMENTARY DELEGATION
RESPECTING IT'S PARTICIAPATION AT THE INTER-
PARLIAMENTARY UNION (IPU) ANNUAL PARLIAMENTARY
HEARINGS
AT THE UNITED NATIONS,

NEW YORK, USA
22ND – 23RD FEBRUARY, 2018

PREFACE

Hon. Speaker,

1. The Inter Parliamentary Union (IPU) Parliamentary Hearing at the United Nations took place on 22nd and 23rd February, 2018, at the UN Headquarters in New York, USA. The theme of this year's Hearing was '*Towards a global compact for safe, orderly and regular migration: A parliamentary perspective*'.
2. The meeting was opened by the President of the UN General Assembly, Mr. Miroslav Lajčák, and the IPU President, Sen. Gabriela Cuevas Barron. The UN Secretary-General, António Guterres also addressed the participants.
3. The Hearing allowed for a comprehensive parliamentary perspective on key questions of migration, and helped inform the United Nations negotiations towards a Global Compact on Migration. This is a new framework for the practical arrangements that need to be put in place globally and nationally to ensure migration is properly managed, with due regard for the human rights of migrants and the sovereign rights of States.

Hon. Speaker,

4. During the Hearing, parliamentarians observed that while migration is a reality the world over, it is too often governed by States in an *ad hoc* and disjointed manner.
5. Migration is too often involuntary, caused by war, climate change, famine, natural disasters and terrorism. Parliamentarians therefore underscored the need to address the root causes of large-scale migration and to ensure that migration is by choice rather than a necessity. They also stressed that migrants were human beings who deserve to be treated with dignity and respect, and to have their human rights recognized and enforced.
6. It was observed that the narrative on migration should be changed to one that focuses more on good practices in communities. The MPs expressed concern that frequently migrants were the scapegoats for their host country's own problems, and subjected therefore to hate and xenophobia. Parliamentarians identified ways they could contribute to curbing hate speech, including through laws and by example.
7. Parliamentarians were also concerned about the plight of the more vulnerable migrants, women and children, particularly those children born of irregular migrants. They recognized their responsibility as legislators to prevent suffering of all human beings.

8. Finally, MPs acknowledged the importance of their role in passing laws, including the budgetary allocation, and in ensuring the implementation of the Global Motion on Migration and safe, orderly and regular migration. In addition, they play an important part in increasing coordination among and within states, and in reducing xenophobia.

Hon. Speaker,

9. The delegation from the Parliament of Kenya comprised the following -
- a) Hon. Jude Njomo, MP – Leader of Delegation
 - b) Sen. Naomi Shiyonga, MP
 - c) Hon. (Dr.) John Mutunga, MP
 - d) Hon. Eve Obara, MP
 - e) Mrs. Serah Kioko – Director, Legislative & Procedural Services, Senate
 - f) Mr. Charles Munyua – Delegation Secretary (*Senate*)
 - g) Mr. Moses Lemuna – Delegation Secretary (*National Assembly*)
10. The Kenya delegation participated actively in the deliberations and robustly presented our country's position during the various Sessions, which fed into the final report of the Hearings on the Global Compact for Migration.

Hon. Speaker,

11. The delegation is grateful to the Speakers of both Houses for nominating them to attend the Session and to the offices of the Clerks for facilitating travel and accommodation and providing logistical and technical support.
12. It is now my pleasant duty, on behalf of the delegation to present and commend this report to the House for noting.


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The Jude Njomo, M.P.
LEADER OF THE DELEGATION

DATE 12/6/2018

REPORT OF THE PROCEEDINGS OF THE INTER-PARLIAMENTARY UNION (IPU) PARLIAMENTARY HEARINGS AT THE UNITED NATIONS, HELD IN NEW YORK, USA ON 22ND – 23RD FEBRUARY, 2018

INTRODUCTION

13. The Inter-Parliamentary Union (IPU) was established in 1889 as the focal point for world-wide parliamentary dialogue. It exists to protect and build global democracy through political dialogue and concrete action. With its membership comprising 178 Parliaments and 12 Associate Members, the IPU works closely with the United Nations and other partner organizations which are motivated by the same ideals. To that end, the IPU:
- a) Fosters contacts, co-ordination, and the exchange of experience among parliaments and parliamentarians of all countries;
 - b) Considers questions of international interest and concern and expresses its views on such issues in order to bring about action by parliaments and parliamentarians;
 - c) Contributes to the defence and promotion of human rights - an essential factor of parliamentary democracy and development; and
 - d) Contributes to better knowledge of the working of representative institutions and to the strengthening and development of their means of action.
14. The IPU's main areas of activity are representative democracy, international peace and security, sustainable development, human rights and humanitarian law, women in politics, and education, science and culture.
15. The organs of the IPU are the Assembly, the Governing Council, the Executive Committee and the Secretariat. The current President of the IPU is Sen. Gabriela Cuevas Barron, while the Speaker of the Senate, the Hon. Kenneth Lusaka, sits in the Executive Committee of the IPU.

The 2018 Parliamentary Hearings at the UN

16. Entitled '*Towards a global compact for safe, orderly and regular migration: A parliamentary perspective*', the 2018 Parliamentary Hearing was held with the view to engaging with and obtaining the perspectives of Parliamentarians in the ongoing discussions on migration, which will culminate with a United Nations Conference in the last quarter of 2018.

17. The Hearing allowed for a comprehensive parliamentary perspective on key questions of migration and helped inform the United Nations negotiations of the Global Compact on Migration – a new framework for the practical arrangements that need to be in place globally and nationally to ensure migration is properly managed with due regard for the human rights of migrants and the sovereign rights of States.
18. The Venue of the Hearing was the *Trusteeship Council Chamber*, Secretariat Building, at the UN Headquarters in New York, USA.

Background to the Global Compact for Safe, Orderly and Regular Migration

19. Managing migration has been ranked, by the UN, as one of the most urgent and profound tests of international cooperation in our time. Following preparatory work carried out over several years, the Member States of the UN adopted the New York Declaration for Refugees and Migrants in 2016, which set out a roadmap towards the negotiation and adoption of a Global Compact on safe, orderly and regular migration.
20. The team working on the draft document published the Zero Draft on 5th February, 2018. This draft forms the subject of year-long negotiations, commencing with the Parliamentary Hearing at the UN, and culminating in a High Level Meeting of Heads of State and Government in December 2018, during which the Global Compact will be adopted.
21. The draft Global Compact on Migration (GCM) sets out the preamble, vision and guiding principles and cooperative framework of objectives towards attaining safe, orderly and regular migration. The twenty-two actionable commitments contained in the GCM are as follows:-
 - a) Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
 - b) Minimize the adverse drivers and structural factors that compel people to leave their country of origin;
 - c) Provide adequate and timely information at all stages of migration;
 - d) Provide all migrants with proof of legal identity, proper identification and documentation;
 - e) Enhance availability and flexibility of pathways for regular migration;
 - f) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
 - g) Address and reduce vulnerabilities in migration;
 - h) Save lives and establish coordinated international efforts on missing migrants;
 - i) Strengthen the transnational response to smuggling of migrants;

- j) Prevent and combat trafficking in persons in the context of international migration;
 - k) Manage borders in an integrated, secure and coordinated manner;
 - l) Strengthen procedures and mechanisms for status determination;
 - m) Use migration detention only as a last resort and work towards alternatives;
 - n) Enhance consular protection, assistance and cooperation throughout the migration cycle;
 - o) Provide access to basic social services for migrants;
 - p) Empower migrants and societies to realize full inclusion and social cohesion;
 - q) Eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration;
 - r) Invest in skills development and facilitate recognition of skills, qualifications and competences;
 - s) Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
 - t) Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;
 - u) Cooperate in facilitating dignified and sustainable return, readmission and reintegration; and
 - v) Establish mechanisms for the portability of social security entitlements and earned benefits.
22. The draft GCM concludes with an implementation framework and commitments on follow-up and review of the commitments made.

PROGRAM AND STRUCTURE OF THE PARLIAMENTARY HEARING

23. The Parliamentary Hearing took place over two days and was organized under eight Sessions, as follows:

<i>Session 1:</i>	Migration today: main facts, agreed principles, and gaps
<i>Session 2:</i>	National policies and local responses: best practices and the need for coordination
<i>Session 3:</i>	Addressing large movements: domestic initiatives and international cooperation
<i>Session 4:</i>	Social cohesion and integration of migrants
<i>Session 5:</i>	Realizing the human rights of all migrants: a whole-of-government approach
<i>Session 6:</i>	From irregular to regular status: common principles and best practices
<i>Session 7:</i>	The political and social participation of migrants in decision-making
<i>Session 8:</i>	The Global Compact for Migration (GCM) and follow-up: the role of parliaments

SUMMARY OF PROCEEDINGS

Opening Session

24. The Opening Session of the Parliamentary Hearing was addressed by Hon. Miroslav Lajčák, President of the 72nd General Assembly, and Sen. Gabriela Cuevas Barron, the President of the IPU.
25. In his remarks, Hon. Miroslav Lajčák, stressed that migration is a global phenomenon that requires global action. He noted that parliamentarians play a crucial role in bringing the perspectives of the people they represent to the United Nations, and thus ensuring the Global Compact on Migration is pragmatic and effective.
26. President Lajčák therefore encouraged parliamentarians to use data and facts to combat misconceptions and drive evidence-based approaches when it comes to dealing with migration. He further underscored the need for a shared commitment to multilateralism by the IPU and the UN in addressing migration.
27. On her part, the President of the IPU painted a picture of international migration as a common element of human history, noting that 258 million people live outside of their birth country, an estimated 50 million do not have regular status, and up to 10 million work abroad every year.
28. She recalled that many migrants undertake dangerous and sometimes lethal routes in search of safety and opportunity, and even those who reach their destination often face stigmatization and human rights violations. She therefore emphasized parliamentarians' responsibility to bolster change in their countries and promote legislation that treats migrants with dignity and respect regardless of their migration status or reason for leaving.

Session 1: Migration today: main facts, agreed principles, and gaps

29. The panelists noted that, while migration had moved up steadily on the UN's agenda in recent years, most progress has taken place on the regional, not global level. The Sustainable Development Goals (SDGs), while sidestepping migration as a primary goal, included specific targets on migration that acknowledged the positive role of migration for sustainable development and economic growth.
30. They further noted that massive outflows of people escaping conflict and natural disasters affected many countries, with the number of people forced to migrate likely to increase due to climate change and the resulting environmental conditions and natural disasters.

31. It was noted that, while refugees have a specific definition, framework and resources within the UN, there was no such protection for the growing number of migrants, leaving many of them exposed to discrimination, exploitation and other forms of human rights violations. These factors, coupled with the generally weak regime of global migration governance, with its patchwork of *ad hoc* national solutions, had paved the way for a Global Compact for Migration. This new agreement was expected to build on the key principles and general guidance of the landmark 2016 New York Declaration for Refugees and Migrants.
32. During discussions on the topic, participants expressed the need for a clear distinction in the definition of a refugee vis-à-vis a migrant. Consequently, the GCM should clearly define which migrants get protection, what kind of protection, and for how long. Speakers suggested defining migrants based on their reasons for migration, including economic need, climate change, environmental degradation, food insecurity, humanitarian need, war and conflict, failed States, family reunification, gang recruitment, and child or forced marriage. Internally displaced persons may also need to be included in the GCM.
33. Participants further underscored the need for the GCM to provide a strong framework for effective global cooperation on migration, so that it becomes safe, orderly and regular, ensuring that migration benefits all people and countries fairly. For example, dismantling human trafficking and smuggling networks associated with migration demanded a joint response. Demographic and labour market trends – such as aging and shrinking societies in some countries and growing populations in others – will continue to drive people across borders for work. Issues such as missing migrants and unaccompanied children also typically involve multiple nations and require collaboration.
34. The Session further acknowledged that, while studies had shown migration generally benefits the migrant and the host country, sending countries also faced challenges, such as brain drain. The GCM will thus need to streamline practices connected to migration, such as remittances and recruitment. Remittances – which add up to nearly \$450 billion a year – must be better regulated, less costly and more transparent. Ethical and transparent recruitment practices were needed to protect migrants' rights, prevent illegal activities and eliminate employee-paid fees.
35. In sum, participants stressed the need for the GCM to address comprehensively all aspects of migration, including outflow and return to the home country. Participants further highlighted the need for a strong follow-up process and for more effective communication about migration issues, which could help with proper implementation.

Session 2: National policies and local responses: best practices and the need for coordination

36. The panelists noted that, each year, millions of children, women and men become victims of human trafficking, and criminals earn an estimated US\$ 32 billion annually from human and sexual exploitation. They reported that several nations had recently strengthened anti-trafficking and smuggling laws, and encouraged parliamentarians to use bilateral and multilateral agreements to dismantle the criminal networks behind them.
37. While studies had shown that foreign-born residents are less likely to commit crimes than native-born residents, participants acknowledged that migrants and refugees are disproportionately seen as threats. Parliamentarians were thus encouraged to use facts and data to fight these misconceptions, and to emphasize the importance of cohesion and integration as part of these efforts. Safe, orderly and regular migration could also help protect international security.
38. In their contributions, participants repeatedly advocated for shared responsibility and burden sharing when it comes to hosting migrants and refugees, while also acknowledging that certain countries disproportionately bear the burden of hosting, such as Greece, Lebanon, Jordan and Turkey in the case of the Syrian crisis. Some parliamentarians expressed worry over the possibility that the GCM will be non-binding; others said that regardless of its legal force the GCM will put pressure on more countries to contribute, and increase international cooperation on migration.
39. Some participants noted the tension between countries whose migration policies are designed to cherry-pick the most highly skilled, relatively well-off migrants, versus countries left with no choice but to admit low-skilled migrants or migrants who are harder to integrate because of cultural or other differences.
40. Participants also noted that some countries fuel migration by intervening in their neighbors' internal affairs, supporting civil wars, promoting harsh austerity and deregulation policies (neo-liberalism), or supporting terrorist and separatist groups.
41. A representative voiced concern that citizens from his country may not enjoy the same benefits abroad as foreigners in his country, and suggested the same rules should be applicable to all parties in the GCM. The delegation from Kenya pointed out that, while it has put in place measures to ensure migrants to the country enjoyed free movement and rights to work and to own property, similar treatment was not accorded

the Gulf Cooperation Council (GCC) countries.

Session 3: Addressing large movements: domestic initiatives and international cooperation

42. During the session, panelists shared their country and work experiences on addressing the drivers of and managing large movements of migrants across countries and regions. One of the themes that emerged was on the need to concentrate on the root causes of migration, not just the phenomenon itself, which may be merely symptomatic of larger economic or political problems. Ultimately, the panelists stated, migration should be a choice, not something that takes place out of necessity.
43. In order to stop large outflows of people, participants underscored the need to invest in developing countries, prevent war and conflict through diplomacy, improve economic conditions that drive people to leave, and work on combating climate change.
44. A concern was raised about judging nations' generosity towards migrants by how many they take in, as some focus on attacking root causes by investing in developing countries. Member States must also foster conditions that encourage their citizens abroad to return. This includes improving the economy and health and education systems, and providing incentives for returnees.

The Kenya delegation outlined some of the measures the country was taking to address the economic drivers of migration and create opportunities for vulnerable groups. This included putting in place laws reserving 30% of government procurement for enterprises owned by women, youth and people with disabilities, as well as through establishment of enterprise funds to make credit accessible and affordable to these groups.

45. The other key messages brought up during this discussion were that:
 - a) The GCM needs to clearly define migration and migrants to avoid confusion with refugees;
 - b) The GCM needs to provide practical guidance to respond to regular and irregular migration of all kinds, while at the same time addressing root causes, security concerns, and the possibility of repatriation in a balanced manner; and
 - c) The GCM must uphold the principle of shared responsibility in all its dimensions, such as between countries of origin and destination, and between national and global levels.

Session 4: Social cohesion and integration of migrants

46. The panelists began by noting that, for a migration programme to be successful, social cohesion and integration of migrants must be prioritized. In the end, the difficulty of integration was one of the main obstacles to the admission of large flows of migrants.
47. A holistic approach was therefore necessary so that migrants can be well informed and can access services such as health, housing, education, language classes, cultural orientation, and legal assistance.
48. A panelist pointed out that integration cannot be done half-heartedly or with leftover funds, but requires time, resources and prioritization at all levels of government and civil society. Sub-national actors should also be consulted as they often carry out integration programmes locally, and can give valuable feedback to national authorities. Since most migrants move into cities, mayors and municipal leaders must be included in migration-related discussions, policymaking and budgeting.
49. The challenge of combating racism and xenophobia emerged as a common thread, with speakers frequently voicing concerns about the rise of hate speech, racism, xenophobia and nationalist movements, as well as lies and misinformation about migration and the scapegoating of migrants. They stressed the need to rely on data and facts to combat this narrative. While migration may lead to short-term displacement of native workers, it was pointed out that most migration, when properly managed, leads to better outcomes for migrants and citizens alike.
50. Consequently, as opinion leaders and role models, parliamentarians were urged to avoid inflammatory language about migrants and to set a tone in public discourse about migrants that avoids stereotypes.
51. Other steps parliamentarians could take to help tackle racism and xenophobia include:
 - i) Systematically call out and condemn xenophobia, racism and hate speech, including discourse cloaked in the language of national security, economic and national identity concerns;
 - ii) Condemn hate speech and consider whether a new legal framework to combat racism and xenophobia is needed;
 - iii) Regularly talk to constituents to help change the negative, false or misleading narrative about migration and migrants;

- iv) Focus on social cohesion and integration of migrants, which can help tackle stereotypes and negative information;
- v) Set a leadership example by embracing openness, respect for human dignity, and appreciation for diversity;
- vi) Go beyond policy debates by making field visits, meeting with migrants and refugees in their communities, and forging relationships with parliamentarians in neighboring countries;
- vii) Engage mayors, municipal leaders and groups and organizations that may help with integration efforts, including schools, churches, and community organizations;
- viii) Help establish local hate crime units, managed by municipal governments, that are trained to detect hate crimes against migrants; and
Ensure existing international human rights obligations regarding equality and non-discrimination are upheld.

Session 5: Realizing the human rights of all migrants: a whole-of-government approach

- 52. When it came to protecting and realizing the human rights of migrants, it was noted that majority of countries were involved, either as a place of origin, transit or destination for migrants, and most as a combination of some or all of these designations.
- 53. Parliamentarians therefore shared experiences and perspectives on the importance of bilateral and multilateral agreements and global cooperation to ensure migrants' rights are protected during every stage of migration. It was underscored that migrants must be treated with dignity and respect and in accordance with human rights laws, regardless of their migration status.
- 54. Noting that more than 50 million migrant children had been forcibly displaced for reasons such as violence, abuse and exploitation, participants recommended that the GCM recognize children as a vulnerable group and commit to protecting those who are unaccompanied or separated. Speakers also underlined the need for all children to access services such as legal assistance, health and education, so that the world does not end up with another lost generation.

Participants were informed that unregistered children are at particular risk of joining the estimated 3 million stateless children, and it was imperative that States register and provide identity for every child at birth. Decisions about child migrants needed to safeguard their best interests, including by ending the practice of child detention and by reaffirming the principle of non-refoulement of children who might be at risk of

persecution at home. On this, Member States were invited to follow the lead of countries such as Costa Rica, Ecuador and Panama, which had ended child immigration detention.

55. Turning to girls and women, speakers pointed out that these were among the most vulnerable migrants, and welcomed the GCM's gender-sensitive approach. It was acknowledged that migrant girls and women were likely to have unwanted pregnancy and suffer from physical and sexual abuse. Consequently, they must be accorded access to full sexual and reproductive health services, regardless of their status or stage of migration.
56. On persons with disabilities, it was pointed that more than 30 per cent of migrants have disabilities, and were typically the most traumatized, with girls and women with disabilities being the most abused category of migrants. At vetting points, people who examined them were often not trained to work with people with disabilities. Without services such as sign language interpretation, these migrants faced even greater challenges in home, transit and destination countries.
57. The other key messages from this discussion included:
 - a) That parliamentarians need to ensure migration laws and policies comply with international standards, are migrant-centred, respect human rights, and are anchored in inclusivity and cooperation; and
 - b) That the GCM needs to reference and reaffirm all relevant human rights treaties and migration-related conventions, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention on the Elimination of All Forms of Racial Discrimination.

Session 6: From irregular to regular status: common principles and best practices

58. Participants were informed that most of today's 258 million migrants, who represent 3.4 per cent of the world's population, had moved through legal channels. It was noted however that, while preventing irregular migration was a key goal, some policies aiming to stop involuntary migration needlessly exacerbated human suffering.
59. While undocumented migrants may not be able to access employment opportunities or various services and benefits, regularizing them could boost economic growth and increase tax revenues and social security contributions for both the home and host country.

60. The discussion highlighted two main approaches to regularization:
- i) Programmes that offer one-off measures that respond to a particular situation and open a window for a specific group of people to become documented. Italy, Greece, Portugal and Spain had recently done this; and
 - ii) Mechanisms that were part of broader migration policy. These were typically extended to long-time residents who can show proof of employment, or demonstrate humanitarian or other needs. Belgium, France and Germany are among the countries that had recently used this.
61. Participants then shared examples of migration policies, best practices for integration and social cohesion, and recent legislation pertaining to migrants, the diaspora, and returnees.
62. The Kenya delegation shared her experience with regard to the protection of temporary migrant workers from Kenya who leave the country each year for low-skilled and service-based jobs in the Gulf Cooperation Council countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates). When the government learnt of the abuse, torture, slavery and even death that these workers were being subjected to, the government had, in 2012, imposed a temporarily ban on such migration, to enable her put in place measures to ensure the protection of these workers.
63. Consequently, the Kenyan Government entered into bilateral agreements with the GCC countries, which outlined requirements such as minimum wage, mode of payment and worker registration. Kenya then lifted the ban on temporary workers in December 2017, with a national labour market system now in place to track Kenyans working abroad. The Kenyan Government had also sent labour attachés to Qatar, Saudi Arabia and the United Arab Emirates, to help workers settle abroad and handle any reports of mistreatment. Training was also provided, including information on housing as well as cultural issues, such as requirements to wear a headscarf or a *hijab* in certain places.
64. Some participants expressed concern that regularization of undocumented migrants may undermine existing laws while also attracting more irregular migrants. In response, parliamentarians were encouraged to think in terms not of undercutting laws, but of improving existing ones, so that they are updated to reflect current needs. The question was usually not whether to regularize, but how to design and implement migration policies that create regular pathways to migration. On this, it was noted that -

- a) The best solution to irregular migration, which in itself renders migrants more vulnerable, is to create more regular pathways to migration, such as work visas, portable social security benefits and a host of other measures that allow people to migrate or return to their home countries as needed;
 - b) Vulnerable groups such as women, children and people with disabilities should be given special protection, in migration policies and in the law, against exploitation and abuse;
 - c) Birth registration of all children, including migrants, needs to be enforced to ensure their rights are protected;
 - d) Detention of irregular migrants, particularly children, should be avoided as it is counterproductive and runs against human rights norms;
 - e) The elimination of human trafficking requires stronger bilateral and multilateral cooperation as well as stronger enforcement of existing laws; and National security policies should not single out migrants, since they are actually less likely to pose a threat to society than native-born citizens.
65. Ultimately, participants acknowledged that irregular migration can be dangerous and should be discouraged, and that international cooperation was needed to ensure migration is safe, orderly and regular.

Session 7: The political and social participation of migrants in decision-making

66. While acknowledging that in majority of countries migrants do not enjoy the rights to vote or vie for political office, which consequently affects their representation in decision making bodies, this session focused on what measures states may take to give a voice to migrants and enable them participate in decision making on matters of interest to or affecting them.
67. The key takeaways from the presentations and deliberations were that parliamentarians and states need to:
- a) Ensure public discourse about migration and migrants is informed, and based on facts and data;
 - b) Strengthen coherence between national policies and local responses to migration, including by providing sufficient resources for community integration and employment creation;
 - c) Ensure public services are available to all residents, including migrants, regardless of status;

- d) Partner with the private sector, business, media and civil society to share information about migrants and migration, and to ensure migrants are appropriately integrated into economic development and labour market policies;
- e) Use the convening power of parliament to bring together stakeholders, including migrants, trade unions and community groups, in order to have input into migration policies and more broadly promote economic and social integration;
- f) Introduce the voices of migrants into deliberations and encourage their political participation; and
- g) Assess the effectiveness of national migration policies in light of the GCM and work with the IPU and the UN system to review those policies and strengthen the institutional capacities for their implementation, including through the committee system.

Session 8: The Global Compact for Migration (GCM) and follow-up: the role of parliaments

- 68. The final session of the Parliamentary Hearing evaluated ways through which parliamentarians could continue to engage with the process of developing the GCM, and in addressing issues of migration both national and globally.
- 69. Firstly, it was noted that, when devising and overseeing national migration policies, parliamentarians should consider the impact they could have regionally and globally, mediating immediate concerns with the long-term vision and commitments of the GCM. In addition to relying on committees, legislators can band together to force institutional changes that hold governments accountable for their migration policies.
- 70. Secondly, on the national level, parliamentarians can create platforms for dialogue on migration, such as the National Parliamentary Caucus on Migration and Development in Bangladesh or the House of Commons All-Party Parliamentary Group on Migration in the United Kingdom. Parliamentarians can also meet regionally, where migration flows are often more impactful, to develop solutions across borders. Regular dialogue on migration may also be scheduled on national, regional, and global levels.
- 71. Lastly, the IPU, together with partners such as the United Nations Development Programme (UNDP), could help ensure such meetings are part of the GCM's follow-up process, and that parliaments have committees and secretariats that can effectively implement migration policies.

CONCLUSION

72. The IPU President, Sen. Gabriela Cuevas Barron, closed the Parliamentary Hearing by noting that, once the GCM was adopted, Parliaments will have a key role to play in its implementation. To this effect, they need to be prepared to hold governments accountable for their commitments, including by building institutional capacity required to design effective migration policies and oversee their implementation and budgeting.
73. The delegation, in preparing for the Parliamentary Hearing, gained immensely from consultations with and documents shared by the Kenya National Coordination Mechanism (NCM) on Migration, as well as the International Organization for Migration (IOM) country office; The delegation noted that, among others, Kenya had prepared a National Position on the GCM, which was shared with the delegation and informed some of the contributions during the Parliamentary Hearing at the UN;

RECOMMENDATIONS BY THE DELEGATION

74. The delegations recommends as follows:-

Noting that Kenya is classified as a country of origin, transit and destination for migrants, the delegation recommends that:-

- (i) The respective Committees of Houses of Parliament responsible for migration, do convene a consultative workshop with the Kenya National Coordination Mechanism (NCM), the International Organization for Migration (IOM) Country Office and other stakeholders, where further engagement and consultations can take place on the subject of migration; and
- (ii) The outcome of the workshop may include identification of policy, legislative and other interventions that the national and county governments can implement to address migration at the national and county levels, and provide input that would enrich Kenya's National Position in the ongoing negotiations towards adoption of the Global Compact for Migration (GCM).

ANNEXES

1. Invitation Letter to the 2018 Parliamentary Hearing at the United Nations, dated 14th November, 2017;
 2. Zero Draft of the Global Compact for Safe Orderly and Regular Migration (GCM), dated 5th February, 2018;
 3. United Nations General Assembly Resolution No. 71/1 of 19th September, 2016, titled the '*New York Declaration for Refugees and Migrants*';
 4. Report of the United Nations Secretary General No. 72/643 of 12th December, 2017, titled '*Making migration work for all*'; and
 5. Kenya's National Position on the Global Compact for Migration.
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Inter-Parliamentary Union
For democracy For everyone.

Parliamentary Hearing at the United Nations

22-23 February 2018
United Nations Headquarters
New York



Towards a global compact for safe, orderly and regular migration: A parliamentary perspective

New York, 14 November 2017

Dear Madam President,
Dear Mr. President,

As agreed in the New York Declaration for Refugees and Migrants in 2016, Member States of the United Nations are working toward a global compact on safe, orderly and regular migration which will be adopted at an intergovernmental conference in 2018. Negotiations on this compact will start in February after a year-long preparatory process consisting of thematic sessions, multi-stakeholder hearings and other consultations at global and regional levels.

We are pleased to announce that the 2018 Parliamentary Hearing at the United Nations in New York will take place on the 22-23 February 2018. The focus of the 2018 Hearing is on migration.

The Parliamentary Hearing will provide an opportunity to discuss migration as a global phenomenon, and to build a comprehensive parliamentary perspective on key questions related to migration. This will help inform the intergovernmental negotiations by offering views of the parliamentarians as a distinct constituency that has an important role in the implementation of political agreements negotiated under the auspices of the United Nations.

The Parliamentary Hearing will take place following a multi-stakeholder hearing on the 21 February, which is part of the preparatory process leading to the global compact on safe, orderly and regular migration. This event brings together representatives from Member States, civil society, academia, the private sector, national human rights institutions and parliaments. We encourage Parliamentarians to participate in the multi-stakeholder hearing.

We are pleased to enclose a registration form and information note for the Hearing. A preliminary programme will be circulated in early January 2018. Information will be posted on the IPU website at www.ipu.org as it becomes available.

We look forward to welcoming a delegation from your Parliament.

Yours sincerely,

Ms. Gabriela Cuevas Barron
President of the IPU

Mr. Miroslav Lajcak
President of the 72nd General Assembly



Global Compact
FOR **Migration**

GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

ZERO DRAFT

5 February 2018

We, the Heads of State and Government and High Representatives, meeting in Morocco on 10-11 December 2018, recalling the New York Declaration for Refugees and Migrants and determined to make an important contribution to enhanced cooperation on international migration in all its dimensions, have adopted this Global Compact for Safe, Orderly and Regular Migration:

PREAMBLE

1. This Global Compact rests on the principles espoused in the Charter of the United Nations, the Universal Declaration of Human Rights and core international human rights treaties, the United Nations Convention against Transnational Organized Crime including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, the United Nations Framework Convention on Climate Change, the International Labour Organization conventions on promoting decent work and labour mobility, the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction, and the New Urban Agenda.
2. Discussions about international migration at global level are not new. We recall the advances made through the United Nations High-level Dialogues on International Migration and Development in 2006 and 2013. We also recognize the Global Forum on Migration and Development launched in 2007. These platforms paved the way for the New York Declaration for Refugees and Migrants, through which we committed to elaborate a Global Compact for Refugees and to adopt this Global Compact for Safe, Orderly and Regular Migration, in two separate processes.
3. As an input to the preparatory process for this Global Compact, we recognize the report of the Secretary-General, "Making Migration Work for All".
4. This Global Compact is a milestone in the history of the global migration dialogue. It is guided by the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda, and informed by the Declaration of the High-level Dialogue on International Migration and Development adopted in October 2013.
5. This Global Compact presents a non-legally binding, cooperative framework that builds on the commitments agreed upon by Member States in the New York Declaration for Refugees and Migrants. It upholds the sovereignty of States and fosters international cooperation among all actors on migration, acknowledging that no State can address migration alone.

OUR VISION AND GUIDING PRINCIPLES

6. This Global Compact expresses our collective commitment to improving cooperation on international migration. Migration has been part of the human experience throughout history, and we recognize that it can be a source of prosperity, innovation and sustainable development in our globalized world. The majority of the more than a quarter billion migrants around the world today travel, live and work in a safe, orderly and regular manner. But migration undeniably affects our countries in very different and sometimes unpredictable ways.
7. It is crucial that international migration unites us rather than divides us. This Global Compact sets out our *common understanding*, *shared responsibilities* and *unity of purpose* regarding migration.

Common Understanding

8. This Global Compact is the product of an unprecedented review of evidence and data gathered during an open, transparent and inclusive process. We shared our realities and heard diverse voices, enriching and shaping our common understanding of this complex phenomenon. We learned that migration is a defining feature of our globalized world, connecting societies within and across all regions, making us all countries of origin, transit and destination. We recognize that there is a continuous need for international efforts to strengthen our knowledge and analysis of migration. We must gather and share more and better data. We must ensure that current and potential migrants are fully informed about their options, rights and duties, while all our citizens should have access to objective, clear information of the benefits and challenges migration creates rather than misleading narratives.

Shared Responsibilities

9. This Global Compact offers a 360-degree vision of international migration and recognizes that a comprehensive approach is needed to optimize the overall benefits of migration while addressing risks and challenges for individuals and communities associated with it. No country can address the challenges and opportunities of this global phenomenon on its own. We acknowledge our shared responsibilities to one another as Member States of the United Nations to address each other's needs and concerns over migration, and an overarching responsibility to protect the human rights of migrants and promote our security and prosperity.
10. In this context, this Global Compact aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin, and so compel them to seek a future elsewhere. It intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance. It seeks to address legitimate concerns of communities about migration and the demographic, economic, social and environmental changes their societies are undergoing. It strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the global level.

Unity of Purpose

11. This Global Compact recognizes that migration works for all when it takes place in a well-informed, planned and consensual manner. We must make it possible for people to remain in their own countries in safety and dignity. We must save lives and keep migrants out of harm's way. We must empower migrants to become full members of our societies, highlight their contributions, and promote inclusion and social cohesion. We must generate greater

predictability and certainty for States, communities and migrants alike. To achieve this, we commit to facilitate and ensure safe, orderly and regular migration for the benefit of all.

12. Our success rests on the mutual trust and determination of States to implement the actionable commitments contained in this Global Compact. We unite to address the challenges and opportunities of migration in all its dimensions through shared responsibility and innovative solutions. It is with this sense of common purpose that we take this historic step, fully aware that the Global Compact for Safe, Orderly and Regular Migration is a milestone, but not the end to our efforts. We commit to continue the multilateral dialogue at the United Nations through a robust follow-up and review mechanism, ensuring that the words in this document translate into actions for the benefit of millions of people in every region of the world.

13. In this context, we agree that this Global Compact rests on a set of guiding principles:

People-centred: The Global Compact carries a strong human dimension to it, inherent to the migration experience itself. As a result, the Global Compact places individuals at its core.

International cooperation: The Global Compact is a non-legally binding document. Its authority rests on its consensual nature, credibility, collective ownership, and joint implementation. This cooperative framework recognizes that no State can effectively address migration on its own due to the inherently transnational nature of the phenomenon.

National sovereignty: The Global Compact reaffirms the right of States to exert sovereign jurisdiction with regard to national migration policy. It strengthens the capacity of States to exercise their prerogatives responsibly as they determine the conditions under which non-nationals may enter, reside and work on their territory.

Rule of law and due process: The Global Compact recognizes that respect for the rule of law and due process is fundamental to all aspects of migration governance. This means that public and private institutions and entities, the State, and persons themselves are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international law and standards.

Sustainable development: The Global Compact is guided by the 2030 Agenda for Sustainable Development, in line with its recognition that migration is a multidimensional reality of major relevance for the sustainable development of countries of origin, transit and destination.

Human rights: The Global Compact is guided by international human rights law and standards. By implementing the actionable commitments herein, we ensure effective respect, protection and fulfilment of the human rights of all migrants, regardless of their status, across all stages of the migration cycle.

Gender-responsive: The Global Compact ensures that the human rights of women, men, girls and boys are respected at all stages of migration and that they are empowered as agents of change. It places a particular focus on the empowerment of women and girls and recognizes their leadership in order to move away from addressing female migrants primarily through a lens of victimhood.

Child-sensitive: The Global Compact upholds the best interests of the child, at all times, as the primary consideration in situations concerning girls and boys in the context of international migration.

Whole-of-government approach: The Global Compact considers that migration is a multidimensional reality that cannot be addressed by one government policy sector alone. To develop and implement effective migration policies and practices, a whole-of-government approach is needed to ensure horizontal and vertical policy coherence across all sectors of government.

Whole-of-society approach: The Global Compact promotes broad multi-stakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society organizations, academia, the private sector, parliamentarians, trade unions, National Human Rights Institutions, the media and other relevant actors in migration governance.

OUR COOPERATIVE FRAMEWORK AND OBJECTIVES

- 14 With the New York Declaration for Refugees and Migrants we adopted a political declaration and a set of commitments. Recalling these commitments in their entirety, we build on them by laying out the following cooperative framework comprising of actionable commitments, implementation, and follow-up and review. Our actionable commitments will fulfil 22 broader objectives for the achievement of safe, orderly and regular migration along the migration cycle.

Objectives for Safe, Orderly and Regular Migration

- (1) Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
- (2) Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- (3) Provide adequate and timely information at all stages of migration
- (4) Provide all migrants with proof of legal identity, proper identification and documentation
- (5) Enhance availability and flexibility of pathways for regular migration
- (6) Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
- (7) Address and reduce vulnerabilities in migration
- (8) Save lives and establish coordinated international efforts on missing migrants
- (9) Strengthen the transnational response to smuggling of migrants
- (10) Prevent and combat trafficking in persons in the context of international migration
- (11) Manage borders in an integrated, secure and coordinated manner
- (12) Strengthen procedures and mechanisms for status determination
- (13) Use migration detention only as a last resort and work towards alternatives
- (14) Enhance consular protection, assistance and cooperation throughout the migration cycle
- (15) Provide access to basic social services for migrants
- (16) Empower migrants and societies to realize full inclusion and social cohesion

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| (17) | Eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration |
| (18) | Invest in skills development and facilitate recognition of skills, qualifications and competences |
| (19) | Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries |
| (20) | Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants |
| (21) | Cooperate in facilitating dignified and sustainable return, readmission and reintegration |
| (22) | Establish mechanisms for the portability of social security entitlements and earned benefits |

ACTIONABLE COMMITMENTS

OBJECTIVE 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

15. We commit to build a robust global evidence base on international migration by improving and investing in the collection, analysis and dissemination of accurate, reliable, comparable data, disaggregated by sex, age and migration status. We further commit to ensure this evidence fosters research, guides well-informed and coherent policy-making and public discourse, and allows for effective monitoring of the implementation of commitments over time.

In this regard, the following actions are instrumental:

- a) Harmonize methodologies on collection, analysis and dissemination of migration-related data and indicators to achieve international compatibility between national data systems, including by agreeing on a baseline statistical definition of an international migrant, by developing a set of standards to measure migrant flows and stocks, as well as to document essential characteristics of migrants, migration status, drivers, patterns and trends, and by including all major stakeholders and sources of data in the elaboration of a comprehensive data strategy on migration
- b) Develop a global programme on national capacities in data collection, analysis and dissemination to share data, address data gaps and assess key migration trends, that encourages collaboration between relevant actors at all levels, provides dedicated training for government officials, financial support and technical assistance, leverages new data sources, including big data, and is reviewed by the United Nations Statistical Commission on a regular basis
- c) Provide support, evidence and updated inputs to the Global Migration Data Portal, with a view to systematically consolidate all relevant data in a transparent, comparable and standardized manner
- d) Establish and strengthen regional migration observatories to collect and analyse data in line with United Nations data standards, including on best practices, the contributions of migrants, the overall economic, social and political benefits and challenges of migration in countries of origin, transit and destination, as well as drivers of migration, with a view to establishing shared strategies and maximizing the value of migration data

- e) Improve national data collection, analysis and dissemination by integrating migration-relevant questions in national censuses, starting in the census of the 2020 round, including on country of birth, country of citizenship, country of residence five years prior to the census, most recent arrival date and reason for migrating, to ensure timely analysis and dissemination of results with internationally recommended disaggregation and cross-tabulation
- f) Conduct household, labour force and other post-census surveys to collect information on the social and economic integration of migrants or add standard migration modules to existing household surveys to improve national, regional and international comparability, and disseminate collected data through public-use of microdata files
- g) Use administrative records, such as border records, visa, resident permits and other sources, to produce migration-related statistics, while upholding the right to privacy and the protection of personal data
- h) Develop country-specific migration profiles to foster evidence-based policy development through collecting and sharing data on all migration-relevant aspects, including on labour market needs, demand and availability of skills, the economic and social impacts of migration, remittance transfer costs, health, education, living and working conditions, wages, as well as the needs of migrants and receiving communities

OBJECTIVE 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin

16. We commit to create conducive political, economic, social and environmental conditions for people to lead peaceful, productive and sustainable lives in their own country and ensure that desperation and deteriorating environments do not compel them to seek a livelihood elsewhere.

In this regard, the following actions are instrumental:

- a) Promote the operationalization of the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, as well as the Addis Ababa Action Agenda, and its commitment to reach first those who are furthest behind
- b) Promote the operationalization of the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, including by supporting the Platform on Disaster Displacement
- c) Promote the operationalization of the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (MICIC Guidelines)
- d) Invest in programmes that accelerate fulfilment of the Sustainable Development Goals to minimize the adverse drivers and structural factors that compel people to leave their country of origin, including poverty alleviation, disaster risk reduction, climate change adaptation and mitigation, conflict prevention and resolution, as well as creating and maintaining peaceful and inclusive societies with effective, incorrupt and accountable institutions that provide access to justice and human rights protection for all
- e) Establish or strengthen crisis centres to monitor and anticipate the development of risks and threats that might trigger or affect internal and onward cross-border movements, strengthen early warning systems, develop emergency procedures and toolkits, launch emergency operations, and support post-crisis recovery, in close cooperation with other States, relevant national and local authorities, National Human Rights Institutions and civil society

- f) Strengthen joint analysis and sharing of information to better map, understand, predict and address migration movements and trajectories of persons affected by sudden-onset natural hazards, slow-onset environmental degradation, including the adverse effects of climate change, and life-endangering situations
- g) Invest in sustainable development in all regions allowing people to improve their lives and meet their aspirations, by combining development efforts with economic links, such as private and foreign direct investment and trade preferences, to boost economic activity in ways that support inclusive growth, opportunities, prosperity, decent work, and job creation for local populations
- h) Promote entrepreneurship, vocational training and skills development programmes, in line with labour market needs and in cooperation with the private sector, with a view to reducing youth unemployment and compensating brain drain in countries of origin
- i) Strengthen collaboration between humanitarian and development actors, including by promoting joint analysis, multi-donor approaches and multi-year funding cycles, in order to develop long-term responses that increase protection, resilience and coping capacities of populations, as well as economic and social self-reliance, and by ensuring these efforts include migration considerations
- j) Develop tailored migration schemes of various duration, including planned temporary and permanent relocation, to facilitate migration as an adaptation strategy to slow-onset environmental degradation related to the adverse effects of climate change, such as desertification and sea level rise
- k) Integrate displacement considerations into disaster preparedness strategies and establish protocols with neighbouring countries to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information
- l) Enhance humanitarian protection measures for cross-border disaster displaced persons, including on admission, stay and situations where return is not possible, and expand mechanisms for resilience and lasting solutions by harmonizing approaches at subregional and regional levels

OBJECTIVE 3: Provide adequate and timely information at all stages of migration

17. We commit to strengthen our efforts to provide, make available and disseminate adequate, timely, accessible, and transparent information on migration-related aspects for and between States, communities and migrants by taking into account all stages of migration. We further commit to use this information to develop migration policies that provide a high degree of predictability and certainty for all actors involved.

In this regard, the following actions are instrumental:

- a) Launch a centralized and publicly available website to share information on regular migration options and employment opportunities for prospective and returning migrants, including on country-specific immigration laws and policies, visa requirements and application formalities, professional qualification requirements, training and study opportunities, job vacancies, and living costs and conditions, in order to inform the decisions of migrants
- b) Enhance systematic bilateral, regional and international cooperation between States to exchange information and intelligence on migration-related trends, including irregular

migration, mixed movements, smuggling of migrants and trafficking in persons, through joint databases, online platforms, international training centres and liaison networks

- c) Establish information centres along migration routes that provide child-sensitive and gender-responsive support and counselling, offer opportunities to communicate with consular representatives of the country of origin, and make available relevant information, including on fundamental human rights, international protection, asylum procedures, options and pathways for regular migration, and possibilities for voluntary return, in a language the person concerned understands
- d) Provide newly arrived migrants and returnees, respectively, with targeted, accessible and comprehensive information on their rights and obligations, including on compliance with national and local laws, obtaining of work and resident permits, status adjustments, registration with authorities, access to justice to file complaints about rights violations and access to basic services, by establishing in-person and online counselling centres
- e) Consolidate a digital database, in compliance with the right to privacy and the protection of personal data, to register migrants abroad, in close cooperation with migrant organizations, consulates and local authorities, to provide information, services and assistance to migrants in emergency situations on an equal footing with nationals and ensure migrants' accessibility to relevant and timely information, including by establishing helplines
- f) Promote multi-lingual information campaigns and organize awareness-raising events and pre-departure orientation trainings in countries of origin, in cooperation with local authorities, consular representations, the private sector, academia, migrant and diaspora organizations and civil society, to inform potential migrants about the challenges and opportunities of migration, including on the risks and dangers involved in irregular migration carried out through traffickers and smugglers

OBJECTIVE 4: Provide all migrants with proof of legal identity, proper identification and documentation

18. We commit to equip migrants with proof of legal identity and other relevant documentation, including birth, marriage and death certificates, at all stages of migration in order to end statelessness and avoid other vulnerabilities. We further commit to ensure this documentation allows all migrants to have access to services and exercise their human rights, and States can identify a person's nationality upon entry and for return.

In this regard, the following actions are instrumental:

- a) Provide identity documents to all migrants, by registering migrant births and reaching undocumented populations, improving registration of citizens and sharing biometric registration, including as a measure to avoid statelessness in accordance with the fundamental human right to a nationality
- b) Strengthen measures to facilitate citizenship to children born in another State's territory in situations where a child would otherwise be stateless, including by allowing women to confer their nationality to their children
- c) Harmonize travel documents in line with the International Civil Aviation Organization standards, through mechanisms for sharing biometric data, and by aligning visa requirements

- d) Ensure adequate, timely, reliable and accessible consular documentation to all migrants, including identification and travel documents, and make use of innovative technology, as well as community outreach, particularly in remote areas
- e) Determine status autonomously, independently and individually, and provide access to individual documentation for female migrants and children, including by ensuring that citizenship or access to a passport or visa is not tied to the spouse or parent
- f) Abolish requirements to prove citizenship or nationality at service delivery centres to ensure that stateless migrants are not precluded from accessing basic services nor denied other basic human rights
- g) Institute an identification card for all persons residing in a particular country or city, regardless of their nationality, ethnicity, immigration status or any other characteristic, to access services, conduct business and participate in community life

OBJECTIVE 5: Enhance availability and flexibility of pathways for regular migration

19. We commit to adapt options and pathways for regular migration in a manner that reflects demographic and global labour market realities, optimizes education opportunities, reunites families, and facilitates access to protection in emergency situations.

In this regard, the following actions are instrumental:

- a) Develop a human rights-based and gender-responsive labour mobility model agreement with sector-specific standard terms of employment in cooperation with relevant stakeholders on the basis of global guidelines and principles and in compliance with international law
- b) Harmonize mechanisms that facilitate regional and cross-regional labour mobility through free movement regimes, visa liberalization or multiple-country visas, and labour mobility cooperation frameworks
- c) Review and revise existing options and pathways for regular migration, with a view to address labour market imbalances, demographic realities and development challenges and opportunities, in accordance with local labour market demands and skills supply
- d) Develop flexible rights-based and gender-responsive labour mobility schemes for migrants at all skills levels, including temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, in accordance with local labour market needs and skills supply, by establishing flexible and non-discriminatory visa regimes, such as permanent and temporary work visa, multiple-entry visa, student visa, business visitors' visa and visas for investors and entrepreneurs, and by allowing flexible visa status conversions
- e) Foster efficient and effective skills-matching programmes by reducing visa processing timeframes for standard employment authorizations, and by offering accelerated and facilitated visa processing for employers with a track record of compliance
- f) Provide temporary or permanent protection and reception schemes for migrants compelled to leave their countries of origin temporarily or permanently in cases when return is not possible, due to sudden-onset natural disasters, slow-onset environmental degradation, emergency situations, and other life-endangering circumstances, including by providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits

- g) Facilitate family reunification for migrants at all skills levels by integrating provisions in migration laws and policies that remove barriers to the realization of the right to family unity and family life, including income requirements, language pre-tests, length of stay, and type of status, as well as provide work authorization and access to social security and services
- h) Involve local authorities and other relevant stakeholders, particularly the private sector and trade unions, in effective skills-matching in the national economy, monitoring the local labour market, identifying skills gaps, and defining required skills profiles

OBJECTIVE 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

20. We commit to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic impact of migrants in both their countries of origin and destination.

In this regard, the following actions are instrumental:

- a) Sign, ratify or accede to, and implement all relevant international Instruments related to international labour mobility
- b) Promote the operationalization of the ILO General Principles and Operational Guidelines for Fair Recruitment, the United Nations Guiding Principles on Business and Human Rights, and the IOM International Recruitment Integrity System (IRIS)
- c) Build upon the work of existing regional platforms that have overcome obstacles and identified best practices in labour mobility, by facilitating cross-regional dialogue to share this knowledge, and to promote the full respect for the human and labour rights of migrant workers at all skills levels, including migrant domestic workers
- d) Review and revise regulations on public and private recruitment agencies, in order to align them with international guidelines and best practices, and prohibit recruiters from charging fees or related costs to the migrant worker in order to avoid debt bondage, exploitation and forced labour, including by establishing mandatory, enforceable mechanisms for effective regulation and monitoring of the recruitment industry
- e) Establish partnerships with all relevant stakeholders, including employers and trade unions, to ensure that prospective migrants are provided written contracts in a language they understand and are aware of the regulations relating to international labour recruitment, their rights and obligations in this regard, as well as the access to complaint and redress mechanisms
- f) Hold employers, recruiters, their subcontractors and suppliers accountable when they are involved in human and labour rights violations, by ensuring that the roles and responsibilities of all, both within the recruitment and employment processes, are clearly outlined, thereby enhancing supply chain transparency with regard to decent work conditions for migrants
- g) Strengthen the enforcement of ethical recruitment and decent work norms and policies by enhancing the abilities of labour inspectors and other authorities to better monitor recruiters, employers and service providers in order to ensure that fair and ethical recruitment, as well as decent work conditions apply in all sectors, in conformity with international standards

- h) End the practice of tying work visas to a single employer or sponsor in order to prevent violations of human rights and promote greater opportunities for decent work
- i) Prohibit, through national legislation, non-State entities from confiscating or retaining travel or identity documents, as well as work contracts from a migrant in order to prevent abuse and exploitation, and allow migrants to fully exercise their human rights
- j) Provide all migrant workers engaged in remunerated labour with the same rights and protections extended to all workers, particularly by ensuring that migrants can exercise their rights to just and favourable conditions of work, to be free from slavery, servitude, or forced or compulsory labour, to freedom of peaceful assembly and association and to have the highest attainable standard of physical and mental health, including by allowing membership in trade unions, wage protection mechanisms, and establishing firewalls with labour inspections in cases of exploitation
- k) Review national labour laws, employment policies and programmes to ensure that they include considerations of the specific needs and contributions of female migrant workers, including in domestic work, and adopt specific measures to prevent and address female and male exploitation as a basis to promote gender-responsive labour mobility policies

OBJECTIVE 7: Address and reduce vulnerabilities in migration

21. We commit to provide specialized protection and assistance to migrants, who often face particular, multiple and intersecting forms of vulnerability, by ensuring that human rights are at the centre of our efforts. We further commit to uphold the principle of the best interests of the child as the primary consideration in issues where children are concerned, and to apply a gender-responsive approach in addressing vulnerabilities, including in responses to mixed movements.

In this regard, the following actions are instrumental:

- a) Promote the operationalization of the Global Migration Group Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations
- b) Undertake a human rights-based review of policies and practices that may create, exacerbate or unintentionally increase vulnerabilities of migrants
- c) Establish comprehensive protocols on migrants in vulnerable situations, including to identify individual, group-based or prima facie vulnerabilities, deliver timely and effective referral, provide protection and specialized assistance, as well as to determine status, ensuring all migrants are able to access appropriate protection of their human rights and that the situation of each person is individually assessed
- d) Establish robust procedures in all legislative, administrative and judicial proceedings and decisions, as well as in all migration policies and programmes that are relevant to and have an impact on children, including consular protection policies and services, to ensure that the principle of the best interests of the child is appropriately integrated, consistently interpreted and applied
- e) Protect unaccompanied and separated children at all stages of migration through the establishment of specialized procedures for their identification, referral, care and family reunification, and provide access to their rights to health, education, legal assistance and to be heard in administrative and judicial proceedings, including by appointing a guardian, as essential means to address their particular vulnerability

- f) Ensure migrant's access to independent legal assistance and representation in legal proceedings that affect them, including during any related judicial or administrative hearing, in order to safeguard that all migrants, everywhere, are recognized as persons before the law and that the delivery of justice is impartial and non-discriminatory
- g) Develop predictable migration policies that prevent migrants from falling into an irregular status due to legal and practical impediments in the country of destination, in order to reduce precariousness of status and related vulnerabilities, including by establishing firewalls between immigration enforcement and public services
- h) Involve local authorities and stakeholders in the identification, referral and assistance of migrants in a situation of vulnerability, including through agreements with national protection bodies, legal aid and service providers, as well as the engagement of mobile response teams

OBJECTIVE 8: Save lives and establish coordinated international efforts on missing migrants

22. We commit to save lives and prevent migrant deaths through joint search and rescue operations, standardized collection and exchange of information. We further commit to identify those who have died or gone missing, and to facilitate communication with affected families.

In this regard, the following actions are instrumental:

- a) Develop procedures and agreements on search and rescue with the primary objective to protect migrants' right to life that refrain from pushbacks at land and sea borders and enhance reception and assistance capacities, while ensuring that the provision of humanitarian assistance for migrants is never criminalized
- b) Review the impacts of migration-related policies and laws to ensure that these do not raise or create the risk of migrants going missing, including in the context of large movements of persons who may use unsafe or irregular pathways, by working with relevant international organizations and between States to identify contextual risks, gaps and actionable solutions for preventing and responding to such situations
- c) Enable migrants to inform their families without delay that they are alive by facilitating access to means of communication along routes and at their destination, including in places of detention, as well as access to consular missions, local authorities and organizations that can provide assistance with family contacts, especially in cases of unaccompanied migrant children
- d) Establish transnational coordination channels and designate contact points for families looking for missing migrants, through which families can be kept informed on the status of the search, while respecting international data protection standards
- e) Collect, centralize and systematize data regarding corpses and ensure traceability after burial, in accordance with internationally accepted forensic standards, and establish coordination channels at transnational level to facilitate immediate or future identification and the provision of information to families

OBJECTIVE 9: Strengthen the transnational response to smuggling of migrants

23. We commit to intensify joint efforts to prevent and counter smuggling of migrants, ensure that smuggled migrants are not criminalized, and that they have access to protection and assistance, with particular concern for victims of smuggling under aggravated circumstances. We further commit to end the impunity of smuggling networks.

In this regard, the following actions are instrumental:

- a) Sign, ratify or accede to, and implement the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime (UNTOC)
- b) Institutionalise transnational mechanisms to share information and intelligence on smuggling routes, modus operandi and financial transactions of smuggling networks, vulnerabilities faced by smuggled migrants, and other relevant data to dismantle the smuggling networks and enhance joint responses
- c) Develop protocols along migration routes, consistent with international law, that outline step-by-step measures to identify smuggled migrants and victims of aggravated smuggling, provide access to protection and assistance for those in situations of vulnerability, as well as facilitate cross-border law enforcement and intelligence cooperation to prevent smuggling of migrants, increase conviction rates and end impunity for smugglers
- d) Ensure that national legislation reflects irregular entry as an administrative, not a criminal offence, penalizes smugglers where they have a financial or material benefit, and enhances penalties for smuggling of migrants under aggravated circumstances, in accordance with international law
- e) Amend migration policies and procedures to distinguish between the crimes of smuggling of migrants and trafficking in persons by using the correct definitions and applying distinct responses to these separate crimes

OBJECTIVE 10: Prevent and combat trafficking in persons in the context of international migration

24. We commit to reduce legal and practical barriers to preventing and combating trafficking in persons in the context of international migration by strengthening international cooperation and ending impunity of trafficking networks. We further commit to enhance the identification and protection of, and assistance to migrants who have become victims of trafficking.

In this regard, the following actions are instrumental:

- a) Sign, ratify or accede to, and implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC)
- b) Promote the operationalization of the Global Plan of Action to Combat Trafficking in Persons and incorporate the Toolkit to Combat Trafficking in Persons when developing and implementing national measures relating to trafficking in persons
- c) Monitor irregular migration routes which may be exploited by human trafficking networks to victimize smuggled or irregular migrants, and harmonize protocols at the regional and

cross-regional levels on prosecution of perpetrators, as well as on identification of, and protection and assistance to victims

- d) Share information and intelligence, including on the modus operandi, economic models and conditions driving trafficking networks, and enhance judicial cooperation and enforcement in order to increase conviction rates and end impunity
- e) Apply measures that specifically address the particular vulnerabilities of women, men, girls and boys, regardless of their migration status, that have become or are at risk of becoming victims of trafficking in persons and contemporary forms of slavery by focusing on prevention, identification, protection and assistance
- f) Ensure that definitions of trafficking in persons used in legislation, migration policy planning and in judicial prosecutions are harmonized with relevant standards of international law, in order to distinguish between the crimes of trafficking in persons and smuggling of migrants
- g) Strengthen legislation and procedures to enhance prosecution of traffickers, avoid criminalization of migrants that are victims of trafficking in persons, and ensure that protection and assistance to victims are not made conditional upon cooperation with the authorities against suspected criminals
- h) Provide migrants that have become victims of trafficking in persons with protection and assistance in the context of relevant judicial proceedings, such as temporary or permanent residency and work permits, to allow the person access to justice, including redress and compensation

OBJECTIVE 11: Manage borders in an integrated, secure and coordinated manner

25. We commit to manage our borders in a coordinated manner that ensures security and facilitates regular cross-border movements of people, based on the rule of law and in full respect of the human rights of all migrants, regardless of their migration status.

In this regard, the following actions are instrumental:

- a) Promote the operationalization of the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, including through cross-border collaboration between neighbouring States
- b) Enhance regional and cross-regional border management cooperation on proper identification, timely and efficient referral, protection and assistance for migrants in situations of vulnerability at or near international borders, in compliance with international human rights law, by adopting whole-of-government approaches and implementing joint cross-border training
- c) Establish appropriate structures and mechanisms for effective integrated border management ensuring well-functioning border crossing procedures, including pre-screening of arriving persons, pre-reporting by carriers of passengers who will be arriving, and use of modern technology
- d) Promote full compliance with international standards related to the issuance, information contained in, and security control of travel documents, incorporating safeguards against forgery
- e) Strengthen oversight of procedures and due process at international borders, including individualized assessments, to safeguard that authorities comply with international human rights law, including through National Human Rights Institutions

- f) Develop technical cooperation agreements that enable States to request and offer assets, equipment and other technical assistance to strengthen border management, particularly in the area of search and rescue, and other emergency situations
- g) Ensure that child protection authorities are readily available at international borders and are able to commence procedures for the determination of the best interests of the child, particularly in the case of separated or unaccompanied minors, in a timely manner and in accordance with international law

OBJECTIVE 12: Strengthen procedures and mechanisms for status determination

26. We commit to develop and strengthen effective, human rights-based and protection-sensitive mechanisms and procedures for the identification and status determination of all migrants, in order to ensure adequate and timely referral, and assistance at all stages of the migration cycle, as well as to distinguish clearly between migrants and refugees.

In this regard, the following actions are instrumental:

- a) Support global efforts in situations of broader international protection challenges of mixed movements, such as the UNHCR asylum capacity support group, to promote effective and swift status determination, protection and referral of asylum seekers, refugees and migrants, including those displaced in the context of disasters and crisis
- b) Develop and conduct intra- and cross-regional specialized human rights-based trainings for first responders and government officials, including law enforcement, to facilitate and standardize identification and referral of, as well as appropriate assistance and counselling to victims of trafficking in persons, migrants at risk, including children and unaccompanied minors, and persons affected by any form of exploitation and abuse related to aggravated smuggling
- c) Establish status determination and gender-responsive referral mechanisms, including improved screening measures at borders and places of first arrival, by applying standardized operating procedures developed in coordination with local authorities, National Human Rights Institutions, international organizations and civil society
- d) Ensure that migrant children are promptly identified at places of first arrival and that anyone claiming to be a child is treated as such, are swiftly referred to child protection authorities and other relevant services, and appointed a guardian if unaccompanied or separated
- e) Ensure that information on the right to asylum or other forms of international protection are appropriately and effectively communicated, and accessible to all migrants, regardless of their migration status, in the context of mixed movements

OBJECTIVE 13: Use migration detention only as a last resort and work towards alternatives

27. We commit to take a human rights-based approach to any detention of migrants, using detention as a last resort only and working to create alternatives. We further commit to ensure that any detention in the context of international migration is lawful, non-arbitrary, based on necessity, proportionality and individual assessments, and carried out by competent officials, irrespective of whether detention occurs at the moment of entry, in transit, or proceedings of return.

In this regard, the following actions are instrumental:

- a) Use existing international and national human rights mechanisms to improve monitoring of migrant detention, ensuring that it is a measure of last resort, that human rights violations do not occur, and that States implement and expand alternatives to detention, including non-custodial measures
- b) Consolidate a comprehensive database that promotes alternatives to detention in the context of international migration, including by facilitating regular exchanges on successful practices among and between States and relevant stakeholders
- c) Review legislation and policies as they relate to migrant detention by ensuring that decisions to detain have a lawful and legitimate purpose, are taken on an individual basis, in full compliance with due process and procedural safeguards, and do not use administrative detention as a deterrent or punishment to migrants
- d) Ensure that detained foreign nationals are informed about their right to communicate with consular and diplomatic missions, legal representatives and family members, in accordance with international law, and facilitate the exercise of such right
- e) Reduce the negative and potentially lasting effects of detention on migrants' well-being and mental health by guaranteeing that it is for the shortest period of time, non-punitive, separate from criminals, and that, as a minimum, access to food, healthcare and adequate accommodation is granted
- f) Ensure that all governmental authorities and private actors duly charged with administering immigration detention are trained in non-discrimination, the prevention of arbitrary arrest and detention, and are held accountable for violations or abuses of human rights
- g) Uphold the protection and respect for the rights and best interests of the child at all times, regardless of their migration status, by ending the practice of child detention in the context of international migration, and providing alternatives to detention that include access to education, healthcare and allow children to remain with their family members or guardians in non-custodial contexts, including community-based arrangements

OBJECTIVE 14: Enhance consular protection, assistance and cooperation throughout the migration cycle

28. We commit to strengthen consular protection, assistance and cooperation in order to better safeguard the rights and interests of all migrants at all times, and to build upon the functions of consular missions to enhance interactions between migrants and State authorities.

In this regard, the following actions are instrumental:

- a) Establish a technical assistance programme, in coordination with the State-led Global Consular Forum, to help States build their consular capacities, train consular officers, promote arrangements for providing consular services collectively where individual States lack capacity, and to develop model agreements on various aspects of consular cooperation
- b) Include consular personnel in existing global and regional fora on migration in order to exchange information about issues of mutual concern that pertain to citizens abroad and contribute to comprehensive migration policy development
- c) Conclude agreements on consular assistance and representation to address gaps in places where States do not have a diplomatic or consular presence or where they have limited capacity

- d) Strengthen consular capacities in order to identify and assist migrants who have become victims of crime, victims of aggravated smuggling of migrants and victims of trafficking in persons
- e) Provide consular support to facilitate the financial inclusion of migrants in countries of transit and destination, such as by issuing consular identification documents that enable the opening of a bank account

OBJECTIVE 15: Provide access to basic social services for migrants

29. We commit to develop non-discriminatory policies in order to provide migrants, regardless of their migration status, access to and ensure delivery of basic social services, including health care, education, housing and social protection.

In this regard, the following actions are instrumental:

- a) Promote the operationalization of the WHO Framework of Priorities and Guiding Principles to Promote the Health of Refugees and Migrants
- b) Enact laws that explicitly prohibit discrimination on all grounds, including race, colour, descent, or national or ethnic origin, to access services, and remove legal and practical barriers which prevent migrants from fully exercising their human rights
- c) Develop, reinforce and maintain necessary capacities and resources to deliver basic social services to all migrants, regardless of their migration status, and ensure safe access to these services, including by setting up firewalls between service providers and immigration enforcement agencies
- d) Establish one-stop-shops to offer information on and deliver a range of gender-responsive services to migrants, including early language learning, health care, educational opportunities, skills training and financial services
- e) Mandate independent institutions to receive, investigate and monitor complaints about situations in which access to basic social services is systematically denied to migrants, and work towards a change in practice
- f) Provide information to all migrants, regardless of their migration status, on the right to health and how to access basic services, and train health care providers on delivering gender-responsive and culturally sensitive services
- g) Grant equal access for all migrant children and youth to quality education and ensure that they can regularly attend, including by facilitating formal schooling, non-formal education programmes for children for whom the formal system is inaccessible, on-the-job and vocational training, language training as well as lifelong learning opportunities, and foster partnerships with all stakeholders that can support this endeavour

OBJECTIVE 16: Empower migrants and societies to realize full inclusion and social cohesion

30. We commit to foster inclusive and cohesive societies by empowering migrants to become active members of society and promoting the reciprocal engagement of receiving communities and migrants in the exercise of their rights and obligations towards each other. We further commit to strengthen the welfare of all members of societies, by minimizing disparities, avoiding polarization and increasing public confidence in policies and institutions related to migration, in

line with the acknowledgment that fully integrated migrants are better positioned to contribute to prosperity.

In this regard, the following actions are instrumental:

- a) Promote participation of all States in the Migrant Integration Policy Index as a means to identify challenges and best practices
- b) Exchange best practices on integration policies, on ways to recognize, retain and promote migrants' national, social and cultural identities, as well as on means for communities of destination to share local customs, cultures and traditions with migrants, promoting sensitivity to the value of diversity and thus facilitating social cohesion
- c) Establish holistic pre-departure programmes that include basic language training, as well as information about social norms and customs, rights and obligations in the country of destination
- d) Develop short, medium and long term targets to accelerate inclusion of migrants in societies, including on labour market integration, family reunification, education, political participation, non-discrimination and health, by fostering partnerships with relevant stakeholders
- e) Work towards inclusive labour markets and full participation of migrant workers in the formal economy, by facilitating access to jobs for which they are most qualified, in accordance with local labour market demands and skills supply
- f) Eliminate discriminatory restrictions on employment, the right to associate and access to services for female migrants, as measures to guarantee their full and equal participation in society
- g) Facilitate access to regularization options as a means to promote migrants' integration into society and fully harness their contributions to sustainable development, as well as to reduce the stigmas that may be associated with irregular status
- h) Establish community centres or programmes at the local level to facilitate migrant participation in the receiving society by involving migrants, community members, diaspora organizations and local authorities in intercultural dialogue, sharing of stories, mentorship and sponsorship programmes, and development of business ties that improve integration outcomes
- i) Capitalize on the skills, cultural and language proficiency of migrants and receiving communities by developing and promoting peer-to-peer training exchanges, gender-responsive, vocational and civic integration courses and workshops
- j) Support multicultural activities through sports, music, arts, culinary festivals and other social events that will facilitate better understanding and appreciation of the migrant cultures and those of destination communities
- k) Promote school environments that are welcoming and support the aspirations of migrant children by enhancing relationships within the school community, dedicating targeted resources to schools with a high concentration of migrant children for integration activities, and incorporating evidence-based information about migration in education curricula

OBJECTIVE 17: Eliminate all forms of discrimination and promote fact-based public discourse to shape perceptions of migration

31. We commit to condemn and counter expressions, acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against all migrants, including those based on race, religion or belief, in conformity with international human rights law. We further commit to promote an open and fact-based public discourse on migration in partnership with all parts of society, that generates a more realistic and constructive perception of migration.

In this regard, the following actions are instrumental:

- a) Enact and implement legislation that penalizes hate crimes and aggravated hate crimes targeting migrants and train law enforcement and other public officials to identify, prevent and respond to such crimes
- b) Punish the incitement of violence generated by hate speech directed towards migrants by holding perpetrators accountable in accordance with national legislation
- c) Promote independent, objective and quality reporting of media outlets, including by sensitizing media professionals on migration-related issues and terminology, investing in ethical advertising, restricting public funding or material support to media outlets that systematically promote intolerance, xenophobia, racism and other forms of discrimination towards migrants
- d) Establish mechanisms to prevent, detect and respond to racial, religious and ethnic profiling, as well as systematic instances of intolerance, xenophobia, racism and discrimination in partnership with National Human Rights Institutions, including by tracking and publishing trend analyses, and ensuring migrant access to complaint mechanisms
- e) Reduce legal and practical barriers for migrants to access regional complaint mechanisms with a view to promoting accountability and addressing governmental actions related to discriminatory acts and manifestations carried out against migrants and their families
- f) Empower migrants, religious and community leaders, as well as educators and service providers at the local level to detect, prevent and support incidences of intolerance, racism, xenophobia, and other forms of discrimination against migrants and diasporas to promote mutual respect

OBJECTIVE 18: Invest in skills development and facilitate recognition of skills, qualifications and competences

32. We commit to invest in innovative solutions that facilitate recognition of skills, qualifications and competences of migrant workers at all skills levels, and promote skills development for the full employability of migrants in labour markets in countries of origin and destination.

In this regard, the following actions are instrumental:

- a) Develop global standards for the recognition of foreign qualifications and non-formally acquired skills in different sectors in collaboration with the respective industries with a view to ensuring worldwide harmonization based on existing models and best practices
- b) Promote harmonization and compatibility of National Qualifications Frameworks by agreeing on standard criteria, indicators and assessment parameters, and create skills

profiling tools and national registries for different skills sets for effective and efficient recognition procedures

- c) Conclude bilateral or multilateral mutual recognition agreements or include recognition provisions in broader labour mobility or trade agreements in order to provide equivalence in national systems, such as automatic or managed mutual recognition mechanisms
- d) Use technology and digitalization to evaluate and recognize skills more comprehensively based on formal credentials as well as non-formally acquired competences and professional experience
- e) Build global skills partnerships amongst countries that strengthen training capacities and foster skills development of prospective migrants in countries of origin with a view to preparing the trainees for the labour markets of all participating countries
- f) Engage in bilateral partnerships and programmes that promote skills development and skills circulation, such as student exchange programmes, scholarships, professional exchange programmes and trainee- or apprenticeships in cooperation with relevant stakeholders that provide beneficiaries after successful completion of these programmes the opportunity to seek temporal or permanent employment
- g) Develop easily accessible and gender-responsive remote or online skills development and matching programmes designed for migrants at all skills levels, including early and occupation-specific language training, on-the-job training and access to advanced training programmes, to enhance their employability in sectors with demand for labour based on the industry's knowledge of labour market dynamics
- h) Develop alternative ways to assess skills, including through timely and complementary training to job seekers, mentoring, and internship programmes in order to fully recognize existing credentials and provide certificates of proficiency for the validation of newly acquired skills
- i) Establish screening mechanisms of credentials and offer information to migrants on how to get their skills and qualifications assessed and recognized prior to departure or at an early stage after arrival to improve employability
- j) Develop and promote standardized documentation to provide workers and employers with a transparent and comparable overview of skills and qualifications, and ensure the documents' recognition in multiple jurisdictions

OBJECTIVE 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

33. We commit to empower all migrants and diasporas to catalyse their development contributions, and to harness the benefits of migration as a source of sustainable development in our countries.

In this regard, the following actions are instrumental:

- a) Promote the operationalization of the 2030 Agenda for Sustainable Development by fostering and facilitating the positive effects of migration for the realization of all Sustainable Development Goals
- b) Promote the operationalization of existing policy guidelines and handbooks on effectively integrating migration into development planning and sectoral policies at regional, national and local levels

- c) Invest in research on the impact of non-financial contributions of migrants and diasporas to sustainable development in countries of origin and destination, such as knowledge and skills transfer, political participation and cultural exchange, with a view to developing global indicators, and strengthening global policy discussions
- d) Establish government structures or mechanisms at all levels that facilitate the engagement of migrants and diasporas in their countries of origin, such as dedicated diaspora offices or focal points, diaspora policy advisory boards for governments to account for the potential of migrants and diasporas in migration and development policy-making, and diaspora attachés in foreign missions
- e) Develop targeted support programmes and financial products that facilitate migrant and diaspora investments and entrepreneurship, including by providing administrative and legal support in business creation, granting seed capital-matching, establish diaspora bonds and diaspora development funds, and organize dedicated trade fairs
- f) Provide easily accessible information and guidance as well as tailored mechanisms for the coordinated and effective financial, voluntary or philanthropic engagement of migrants and diasporas in humanitarian emergencies in their countries of origin, including by involving consular missions
- g) Enable political participation and engagement of migrants in their countries of origin, including in peace and reconciliation processes, in elections and political reforms, by establishing voting registries for citizens abroad, and by parliamentary representation
- h) Facilitate knowledge and skills transfer of migrants and diasporas in their countries of origin by establishing flexible entry and exit modalities, including through granting dual or multiple citizenship or multi-entry visas, and building partnerships between local authorities, local communities and their diasporas, and hometown associations

OBJECTIVE 20: Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants

34. We commit to promote faster, safer and cheaper remittances by establishing conducive policy and regulatory environments that enable competition, regulation and innovation on the remittance market and by providing gender-responsive programmes and instruments that enhance the financial inclusion of migrants and their families.

In this regard, the following actions are instrumental:

- a) Develop a roadmap to reduce the transaction costs of migrant remittances to less than 3 per cent and eliminate remittance corridors with costs higher than 5 per cent by 2030 in line with existing commitments
- b) Promote and support the International Day of Family Remittances and the Global Forum on Remittances, Investment and Development as the platform to build and strengthen partnerships for innovative solutions on cheaper, faster and safer transfer of remittances with all relevant stakeholders
- c) Harmonize remittance market regulations and increase the interoperability of remittance infrastructure along corridors by ensuring that measures to combat illicit financial flows do not impede migrant remittances
- d) Establish conducive policy and regulatory frameworks that promote a competitive and innovative remittance market, remove obstacles to non-bank remittance service providers

in accessing payment system infrastructure, provide tax exemptions or incentives for remittance transfers, eliminate exclusivity contracts, incentivize the private sector to expand remittance services, and enhance the security and predictability of low-value transactions by revising de-risking policies and developing a methodology to distinguish remittances from illicit flows, in consultation with remittance service providers and financial regulators

- e) Develop innovative technological solutions for remittance transfer, such as mobile payments, digital tools or e-banking, to reduce costs, improve speed, enhance security, increase transfer through regular channels and open up distribution channels to underserved populations, including in rural areas
- f) Provide accessible information on remittance transfer costs by provider and channel, such as comparison websites, in order to increase the transparency and competition on the remittance transfer market and promote financial literacy and inclusion of migrants
- g) Develop programmes and instruments to promote investments from remittance senders in local development and entrepreneurship in countries of origin, such as through matching-grant mechanisms, municipal bonds and partnerships with hometown associations, in order to enhance the transformative potential of remittances beyond the individual households
- h) Provide access to and develop banking solutions and financial instruments for migrants, including low-income households, such as bank accounts that permit direct deposits by employers, savings accounts, loans and credits in cooperation with the banking sector

OBJECTIVE 21: Cooperate in facilitating dignified and sustainable return, readmission and reintegration

35. We commit to cooperate for safe, human rights-based and dignified return and readmission, ensuring that our returning nationals are duly received, as well as upholding the prohibition of collective expulsion and the principle of voluntary return over forced deportation. We further commit to create conducive conditions for personal safety, economic empowerment, inclusion and social cohesion in communities, in order to ensure that reintegration of migrants upon return to their countries of origin is sustainable.

In this regard, the following actions are instrumental:

- a) Develop international model agreements and cooperation frameworks ensuring that return and readmission of migrants to their own country is fair, dignified and in full compliance with international human rights law, and that they also include provisions that facilitate sustainable reintegration
- b) Enhance cooperation on identification of citizens and issuance of travel documents for return and readmission in cases of persons that do not have the legal right to stay on another State's territory, by establishing reliable and efficient means of identification of own nationals through the addition of biometric identifiers in population registries, and by digitalizing civil registry systems, with full respect to the right to privacy and protection of personal data
- c) Foster institutional contacts between consular authorities and border officials from countries of origin and destination, and guarantee consular attention to returnees by facilitating access to documentation, travel documents, pre-return assistance, and other services, in order to ensure predictability, safety and dignity in return and readmission

- d) Promote assisted voluntary return and reintegration programmes, in preference to forced returns, guaranteeing that all voluntary returning migrants are fully informed of their return and reintegration process
- e) Ensure that return decisions are carried out by competent authorities and removal orders follow an individualized assessment of the circumstances that may weigh against the expulsion, such as risks of torture or other irreparable harm, in compliance with due process guarantees
- f) Establish or strengthen monitoring and oversight mechanisms on return, readmission and reintegration in partnership with relevant stakeholders in order to provide recommendations on ways and means to enhance safety, dignity and sustainability
- g) Ensure that a guardian accompanies children, who should only be returned after a best interests of the child determination, throughout the return process, and that there is clarity about reception and care arrangements of children in countries to which they are being returned
- h) Provide information, as well as gender-responsive legal, social and financial support to returnees both at the departure and arrival point, and ensure sustainable reintegration in order to avoid they become displaced internally upon return
- i) Facilitate the reintegration of returning migrants into community life by providing them equal access to social protection and services, psycho-social assistance, vocational training, employment opportunities, recognition of skills acquired abroad, and financial services, in order to fully build upon their entrepreneurship, skills and human capital as active members of society
- j) Identify and address the needs of the communities to which migrants return by including respective provisions in national and local development strategies, infrastructure planning, budget allocations and other relevant policy decisions

OBJECTIVE 22: Establish mechanisms for the portability of social security entitlements and earned benefits

36. We commit to assist migrant workers at all skills levels to have access to social protection and profit from the portability of social security entitlements and earned benefits in their countries of origin or when they decide to take up work in another country.

In this regard, the following actions are instrumental:

- a) Establish non-discriminatory national social protection systems, including social protection floors for nationals and migrants, in line with the ILO Recommendation 202 on Social Protection Floors
- b) Develop model agreements on the portability of earned benefits for migrant workers at all skills levels, which specify the social protection floor, relevant social security entitlements and provisions, such as pensions and healthcare, and measures to address the difficulties women face in accessing social protection
- c) Conclude bilateral or multilateral social security agreements to ensure the portability of social security entitlements and benefits, including pensions, medical and life insurance, or integrate such provisions into trade agreements, as well as agreements on long-term and temporary labour migration

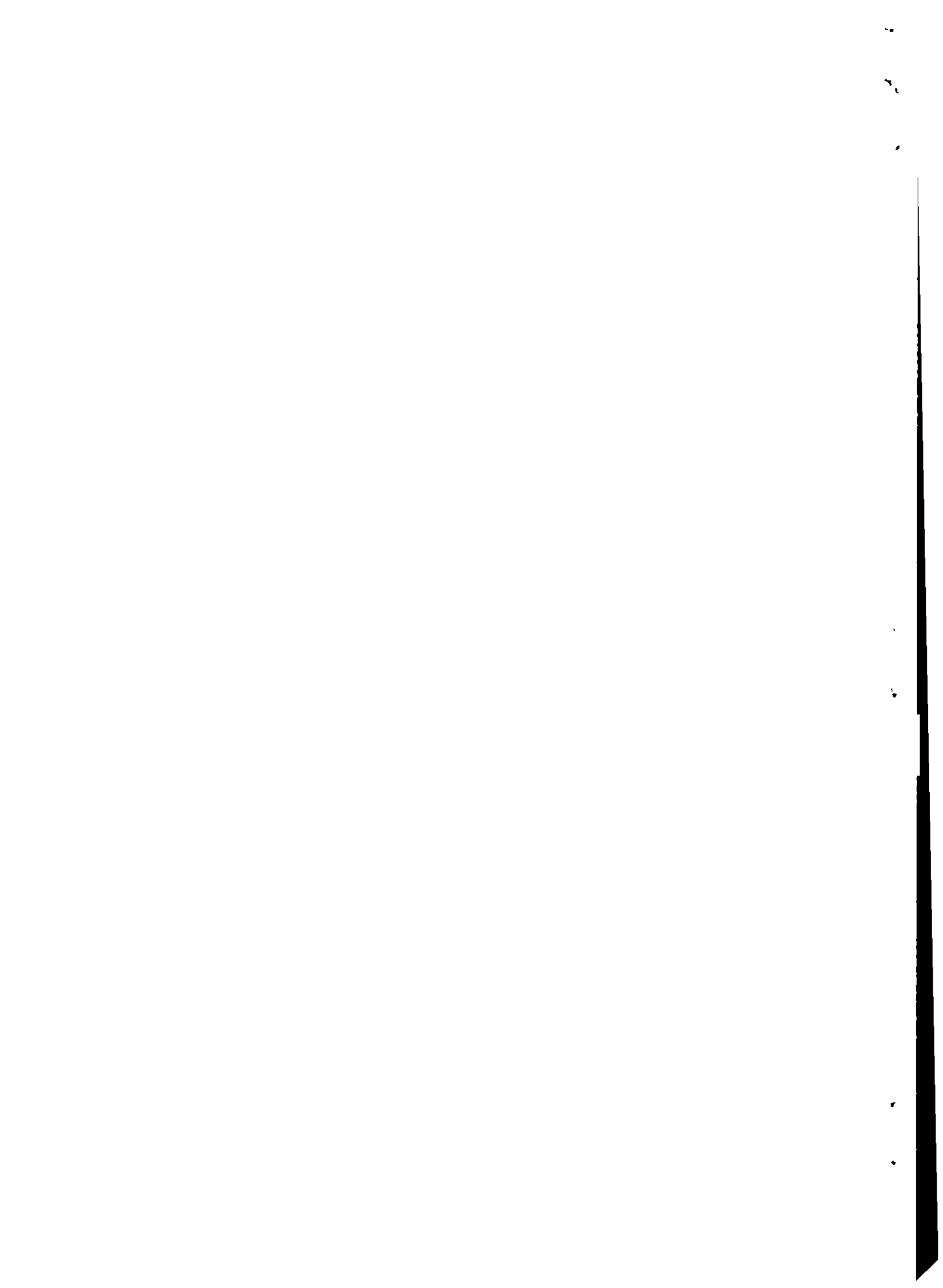
- d) Integrate provisions on the portability of entitlements and earned benefits into national social security frameworks, designate focal points in countries of origin and destination that facilitate portability requests from migrants, and establish dedicated instruments, such as migrant welfare funds in countries of origin that support migrant workers and their families

IMPLEMENTATION

37. For the effective implementation of the Global Compact, we require concerted efforts at global, regional, national and subnational levels, including a coherent United Nations system.
38. We commit to take the necessary steps to bring our national actions and cooperation frameworks at all levels in line with the objectives and actionable commitments herein, taking into account our countries' specific migration realities and priorities.
39. We decide to establish a capacity-building mechanism that allows Member States, the United Nations and other stakeholders, including the private sector and philanthropic foundations, to contribute technical, financial and human resources in order to strengthen capacities of national and subnational authorities on migration.
40. We also commit to implement the Global Compact in cooperation and partnership with civil society, migrant and diaspora organizations, cities and local communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, academia, and the media.
41. We appreciate consultations of the Secretary-General to ensure that the United Nations system is fully positioned to respond promptly and effectively in supporting the implementation of the Global Compact, drawing on existing expertise and ensuring operational deliverables in response to the needs of Member States. In this regard, we request the Secretary General to:
 - a) Align and review the set-up of the United Nations system on migration with the ongoing management and development system reform initiatives in order to ensure system-wide coherence
 - b) Build on the technical expertise and experience of relevant agencies within the United Nations system to support the efforts of Member States in the implementation of the objectives and actionable commitments of the Global Compact
 - c) Strengthen the role of the International Organization for Migration in the United Nations system for the full and effective implementation of the Global Compact
 - d) Employ the technical expertise of the Regional Economic Commissions and the United Nations Country Teams to support the implementation efforts of Member States at regional and national levels respectively
42. Further recognizing the important role of State-led processes and platforms at global and regional levels in advancing the international dialogue on migration, we invite the Global Forum on Migration and Development, Regional Consultative Processes and other global, regional and subregional fora to provide platforms to exchange experiences on the implementation of the Global Compact, share good practices on policies and cooperation, promote innovative approaches, and foster multi-stakeholder partnerships around specific policy issues.

FOLLOW-UP AND REVIEW

43. We commit to track and monitor the progress made in implementing the Global Compact in the framework of the United Nations. For follow-up and review, we agree on intergovernmental measures that will assist us in fulfilling our actionable commitments.
44. Considering that international migration requires a forum at global level through which Member States can review the implementation progress and guide the direction of the United Nations' work, we decide that:
- a) The High-level Dialogue on International Migration and Development, currently scheduled to take place every fourth session of the General Assembly, shall be repurposed and renamed "International Migration Review Forum"
 - b) The International Migration Review Forum shall serve as the primary global platform for Member States to discuss and share progress on the implementation of the Global Compact
 - c) The International Migration Review Forum shall take place in 2022, 2026 and 2030
 - d) We will determine, in 2026, which specific measures will further strengthen the global governance of international migration, including whether to hold a review conference of the Global Compact in 2030
 - e) Each edition of the International Migration Review Forum will result in a Progress Declaration
45. Considering that most international migration takes place within regions, we also decide that:
- a) Each region will convene a Regional Migration Review Forum, to take place in 2020, 2024 and 2028
 - b) The Regional Migration Review Forum shall serve as the primary regional platform for Member States from each of the corresponding regions to discuss and share progress on the implementation of the Global Compact at the regional level
 - c) Each of the United Nations Regional Economic Commissions shall organize the respective Regional Migration Review Forum, in close consultation with relevant regional organizations
46. Recognizing the important contributions of State-led initiatives on international migration, we invite fora, such as the Global Forum on Migration and Development, Regional Consultative Processes, and others to contribute to the International Migration Review Forum as well as the Regional Migration Review Fora by providing data, evidence, best practices, innovative approaches and recommendations as they relate to the implementation of the Global Compact for Safe, Orderly and Regular Migration.





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[without reference to a Main Committee (A/71/L.1)]

71/1. New York Declaration for Refugees and Migrants

The General Assembly

Adopts the following outcome document of the high-level plenary meeting on addressing large movements of refugees and migrants:

New York Declaration for Refugees and Migrants

We, the Heads of State and Government and High Representatives, meeting at United Nations Headquarters in New York on 19 September 2016 to address the question of large movements of refugees and migrants, have adopted the following political declaration.

I. Introduction

1. Since earliest times, humanity has been on the move. Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors. Many move, indeed, for a combination of these reasons.
2. We have considered today how the international community should best respond to the growing global phenomenon of large movements of refugees and migrants.
3. We are witnessing in today's world an unprecedented level of human mobility. More people than ever before live in a country other than the one in which they were born. Migrants are present in all countries in the world. Most of them move without incident. In 2015, their number surpassed 244 million, growing at a rate faster than the world's population. However, there are roughly 65 million forcibly displaced persons, including over 21 million refugees, 3 million asylum seekers and over 40 million internally displaced persons.
4. In adopting the 2030 Agenda for Sustainable Development¹ one year ago, we recognized clearly the positive contribution made by migrants for inclusive growth

¹ Resolution 70/1.

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and sustainable development. Our world is a better place for that contribution. The benefits and opportunities of safe, orderly and regular migration are substantial and are often underestimated. Forced displacement and irregular migration in large movements, on the other hand, often present complex challenges.

5. We reaffirm the purposes and principles of the Charter of the United Nations. We reaffirm also the Universal Declaration of Human Rights² and recall the core international human rights treaties. We reaffirm and will fully protect the human rights of all refugees and migrants, regardless of status; all are rights holders. Our response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.

6. Though their treatment is governed by separate legal frameworks, refugees and migrants have the same universal human rights and fundamental freedoms. They also face many common challenges and have similar vulnerabilities, including in the context of large movements. "Large movements" may be understood to reflect a number of considerations, including: the number of people arriving, the economic, social and geographical context, the capacity of a receiving State to respond and the impact of a movement that is sudden or prolonged. The term does not, for example, cover regular flows of migrants from one country to another. "Large movements" may involve mixed flows of people, whether refugees or migrants, who move for different reasons but who may use similar routes.

7. Large movements of refugees and migrants have political, economic, social, developmental, humanitarian and human rights ramifications, which cross all borders. These are global phenomena that call for global approaches and global solutions. No one State can manage such movements on its own. Neighbouring or transit countries, mostly developing countries, are disproportionately affected. Their capacities have been severely stretched in many cases, affecting their own social and economic cohesion and development. In addition, protracted refugee crises are now commonplace, with long-term repercussions for those involved and for their host countries and communities. Greater international cooperation is needed to assist host countries and communities.

8. We declare our profound solidarity with, and support for, the millions of people in different parts of the world who, for reasons beyond their control, are forced to uproot themselves and their families from their homes.

9. Refugees and migrants in large movements often face a desperate ordeal. Many take great risks, embarking on perilous journeys, which many may not survive. Some feel compelled to employ the services of criminal groups, including smugglers, and others may fall prey to such groups or become victims of trafficking. Even if they reach their destination, they face an uncertain reception and a precarious future.

10. We are determined to save lives. Our challenge is above all moral and humanitarian. Equally, we are determined to find long-term and sustainable solutions. We will combat with all the means at our disposal the abuses and exploitation suffered by countless refugees and migrants in vulnerable situations.

11. We acknowledge a shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people-centred

² Resolution 217 A (III).

manner. We will do so through international cooperation, while recognizing that there are varying capacities and resources to respond to these movements. International cooperation and, in particular, cooperation among countries of origin or nationality, transit and destination, has never been more important; "win-win" cooperation in this area has profound benefits for humanity. Large movements of refugees and migrants must have comprehensive policy support, assistance and protection, consistent with States' obligations under international law. We also recall our obligations to fully respect their human rights and fundamental freedoms, and we stress their need to live their lives in safety and dignity. We pledge our support to those affected today as well as to those who will be part of future large movements.

12. We are determined to address the root causes of large movements of refugees and migrants, including through increased efforts aimed at early prevention of crisis situations based on preventive diplomacy. We will address them also through the prevention and peaceful resolution of conflict, greater coordination of humanitarian, development and peacebuilding efforts, the promotion of the rule of law at the national and international levels and the protection of human rights. Equally, we will address movements caused by poverty, instability, marginalization and exclusion and the lack of development and economic opportunities, with particular reference to the most vulnerable populations. We will work with countries of origin to strengthen their capacities.

13. All human beings are born free and equal in dignity and rights. Everyone has the right to recognition everywhere as a person before the law. We recall that our obligations under international law prohibit discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Yet in many parts of the world we are witnessing, with great concern, increasingly xenophobic and racist responses to refugees and migrants.

14. We strongly condemn acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against refugees and migrants, and the stereotypes often applied to them, including on the basis of religion or belief. Diversity enriches every society and contributes to social cohesion. Demonizing refugees or migrants offends profoundly against the values of dignity and equality for every human being, to which we have committed ourselves. Gathered today at the United Nations, the birthplace and custodian of these universal values, we deplore all manifestations of xenophobia, racial discrimination and intolerance. We will take a range of steps to counter such attitudes and behaviour, in particular with regard to hate crimes, hate speech and racial violence. We welcome the global campaign proposed by the Secretary-General to counter xenophobia and we will implement it in cooperation with the United Nations and all relevant stakeholders, in accordance with international law. The campaign will emphasize, inter alia, direct personal contact between host communities and refugees and migrants and will highlight the positive contributions made by the latter, as well as our common humanity.

15. We invite the private sector and civil society, including refugee and migrant organizations, to participate in multi-stakeholder alliances to support efforts to implement the commitments we are making today.

16. In the 2030 Agenda for Sustainable Development, we pledged that no one would be left behind. We declared that we wished to see the Sustainable Development Goals and their targets met for all nations and peoples and for all segments of society. We said also that we would endeavour to reach the furthest

behind first. We reaffirm today our commitments that relate to the specific needs of migrants or refugees. The 2030 Agenda makes clear, *inter alia*, that we will facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. The needs of refugees, internally displaced persons and migrants are explicitly recognized

17. The implementation of all relevant provisions of the 2030 Agenda for Sustainable Development will enable the positive contribution that migrants are making to sustainable development to be reinforced. At the same time, it will address many of the root causes of forced displacement, helping to create more favourable conditions in countries of origin. Meeting today, a year after our adoption of the 2030 Agenda, we are determined to realize the full potential of that Agenda for refugees and migrants.

18. We recall the Sendai Framework for Disaster Risk Reduction 2015–2030³ and its recommendations concerning measures to mitigate risks associated with disasters. States that have signed and ratified the Paris Agreement on climate change⁴ welcome that agreement and are committed to its implementation. We reaffirm the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,⁵ including its provisions that are applicable to refugees and migrants.

19. We take note of the report of the Secretary-General, entitled “In safety and dignity: addressing large movements of refugees and migrants”,⁶ prepared pursuant to General Assembly decision 70/539 of 22 December 2015, in preparation for this high-level meeting. While recognizing that the following conferences either did not have an intergovernmentally agreed outcome or were regional in scope, we take note of the World Humanitarian Summit, held in Istanbul, Turkey, on 23 and 24 May 2016, the high-level meeting on global responsibility-sharing through pathways for admission of Syrian refugees, convened by the Office of the United Nations High Commissioner for Refugees on 30 March 2016, the conference on “Supporting Syria and the Region”, held in London on 4 February 2016, and the pledging conference on Somali refugees, held in Brussels on 21 October 2015. While recognizing that the following initiatives are regional in nature and apply only to those countries participating in them, we take note of regional initiatives such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the European Union-Horn of Africa Migration Route Initiative and the African Union-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants (the Khartoum Process), the Rabat Process, the Valletta Action Plan and the Brazil Declaration and Plan of Action.

20. We recognize the very large number of people who are displaced within national borders and the possibility that such persons might seek protection and assistance in other countries as refugees or migrants. We note the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement

³ Resolution 69/283, annex II

⁴ See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex

⁵ Resolution 69/313, annex

⁶ A/70/59

Commitments

21. We have endorsed today a set of commitments that apply to both refugees and migrants, as well as separate sets of commitments for refugees and migrants. We do so taking into account different national realities, capacities and levels of development and respecting national policies and priorities. We reaffirm our commitment to international law and emphasize that the present declaration and its annexes are to be implemented in a manner that is consistent with the rights and obligations of States under international law. While some commitments are mainly applicable to one group, they may also be applicable to the other. Furthermore, while they are all framed in the context of the large movements we are considering today, many may be applicable also to regular migration. Annex I to the present declaration contains a comprehensive refugee response framework and outlines steps towards the achievement of a global compact on refugees in 2018, while annex II sets out steps towards the achievement of a global compact for safe, orderly and regular migration in 2018.

II. Commitments that apply to both refugees and migrants

22. Underlining the importance of a comprehensive approach to the issues involved, we will ensure a people-centred, sensitive, humane, dignified, gender-responsive and prompt reception for all persons arriving in our countries, and particularly those in large movements, whether refugees or migrants. We will also ensure full respect and protection for their human rights and fundamental freedoms.

23. We recognize and will address, in accordance with our obligations under international law, the special needs of all people in vulnerable situations who are travelling within large movements of refugees and migrants, including women at risk, children, especially those who are unaccompanied or separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of the smuggling of migrants.

24. Recognizing that States have rights and responsibilities to manage and control their borders, we will implement border control procedures in conformity with applicable obligations under international law, including international human rights law and international refugee law. We will promote international cooperation on border control and management as an important element of security for States, including issues relating to battling transnational organized crime, terrorism and illicit trade. We will ensure that public officials and law enforcement officers who work in border areas are trained to uphold the human rights of all persons crossing, or seeking to cross, international borders. We will strengthen international border management cooperation, including in relation to training and the exchange of best practices. We will intensify support in this area and help to build capacity as appropriate. We reaffirm that, in line with the principle of non-refoulement, individuals must not be returned at borders. We acknowledge also that, while upholding these obligations and principles, States are entitled to take measures to prevent irregular border crossings.

25. We will make efforts to collect accurate information regarding large movements of refugees and migrants. We will also take measures to identify correctly their nationalities, as well as their reasons for movement. We will take measures to identify those who are seeking international protection as refugees.

26. We will continue to protect the human rights and fundamental freedoms of all persons, in transit and after arrival. We stress the importance of addressing the immediate needs of persons who have been exposed to physical or psychological abuse while in transit upon their arrival, without discrimination and without regard to legal or migratory status or means of transportation. For this purpose, we will consider appropriate support to strengthen, at their request, capacity-building for countries that receive large movements of refugees and migrants.
27. We are determined to address unsafe movements of refugees and migrants, with particular reference to irregular movements of refugees and migrants. We will do so without prejudice to the right to seek asylum. We will combat the exploitation, abuse and discrimination suffered by many refugees and migrants.
28. We express our profound concern at the large number of people who have lost their lives in transit. We commend the efforts already made to rescue people in distress at sea. We commit to intensifying international cooperation on the strengthening of search and rescue mechanisms. We will also work to improve the availability of accurate data on the whereabouts of people and vessels stranded at sea. In addition, we will strengthen support for rescue efforts over land along dangerous or isolated routes. We will draw attention to the risks involved in the use of such routes in the first instance.
29. We recognize and will take steps to address the particular vulnerabilities of women and children during the journey from country of origin to country of arrival. This includes their potential exposure to discrimination and exploitation, as well as to sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery.
30. We encourage States to address the vulnerabilities to HIV and the specific health-care needs experienced by migrant and mobile populations, as well as by refugees and crisis-affected populations, and to take steps to reduce stigma, discrimination and violence, as well as to review policies related to restrictions on entry based on HIV status, with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, treatment, care and support.
31. We will ensure that our responses to large movements of refugees and migrants mainstream a gender perspective, promote gender equality and the empowerment of all women and girls and fully respect and protect the human rights of women and girls. We will combat sexual and gender-based violence to the greatest extent possible. We will provide access to sexual and reproductive health-care services. We will tackle the multiple and intersecting forms of discrimination against refugee and migrant women and girls. At the same time, recognizing the significant contribution and leadership of women in refugee and migrant communities, we will work to ensure their full, equal and meaningful participation in the development of local solutions and opportunities. We will take into consideration the different needs, vulnerabilities and capacities of women, girls, boys and men.
32. We will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. This will apply particularly to unaccompanied children and those separated from their families; we will refer their care to the relevant national child protection authorities and other relevant

authorities. We will comply with our obligations under the Convention on the Rights of the Child.⁷ We will work to provide for basic health, education and psychosocial development and for the registration of all births on our territories. We are determined to ensure that all children are receiving education within a few months of arrival, and we will prioritize budgetary provision to facilitate this, including support for host countries as required. We will strive to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities.

33. Reaffirming that all individuals who have crossed or are seeking to cross international borders are entitled to due process in the assessment of their legal status, entry and stay, we will consider reviewing policies that criminalize cross-border movements. We will also pursue alternatives to detention while these assessments are under way. Furthermore, recognizing that detention for the purposes of determining migration status is seldom, if ever, in the best interest of the child, we will use it only as a measure of last resort, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child, and we will work towards the ending of this practice.

34. Reaffirming the importance of the United Nations Convention against Transnational Organized Crime and the two relevant Protocols thereto,⁸ we encourage the ratification of, accession to and implementation of relevant international instruments on preventing and combating trafficking in persons and the smuggling of migrants.

35. We recognize that refugees and migrants in large movements are at greater risk of being trafficked and of being subjected to forced labour. We will, with full respect for our obligations under international law, vigorously combat human trafficking and migrant smuggling with a view to their elimination, including through targeted measures to identify victims of human trafficking or those at risk of trafficking. We will provide support for the victims of human trafficking. We will work to prevent human trafficking among those affected by displacement.

36. With a view to disrupting and eliminating the criminal networks involved, we will review our national legislation to ensure conformity with our obligations under international law on migrant smuggling, human trafficking and maritime safety. We will implement the United Nations Global Plan of Action to Combat Trafficking in Persons.⁹ We will establish or upgrade, as appropriate, national and regional anti-human trafficking policies. We note regional initiatives such as the African Union-Horn of Africa Initiative on Human Trafficking and Smuggling of Migrants, the Plan of Action Against Trafficking in Persons, Especially Women and Children, of the Association of Southeast Asian Nations, the European Union Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, and the Work Plans against Trafficking in Persons in the Western Hemisphere. We welcome reinforced technical cooperation, on a regional and bilateral basis, between countries of origin, transit and destination on the prevention of human trafficking and migrant smuggling and the prosecution of traffickers and smugglers.

⁷ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁸ *Ibid.*, vols. 2225, 2237 and 2241, No. 39574.

⁹ Resolution 64/293.

37. We favour an approach to addressing the drivers and root causes of large movements of refugees and migrants, including forced displacement and protracted crises, which would, inter alia, reduce vulnerability, combat poverty, improve self-reliance and resilience, ensure a strengthened humanitarian-development nexus, and improve coordination with peacebuilding efforts. This will involve coordinated prioritized responses based on joint and impartial needs assessments and facilitating cooperation across institutional mandates

38. We will take measures to provide, on the basis of bilateral, regional and international cooperation, humanitarian financing that is adequate, flexible, predictable and consistent, to enable host countries and communities to respond both to the immediate humanitarian needs and to their longer-term development needs. There is a need to address gaps in humanitarian funding, considering additional resources as appropriate. We look forward to close cooperation in this regard among Member States, United Nations entities and other actors and between the United Nations and international financial institutions such as the World Bank, where appropriate. We envisage innovative financing responses, risk financing for affected communities and the implementation of other efficiencies such as reducing management costs, improving transparency, increasing the use of national responders, expanding the use of cash assistance, reducing duplication, increasing engagement with beneficiaries, diminishing earmarked funding and harmonizing reporting, so as to ensure a more effective use of existing resources.

39. We commit to combating xenophobia, racism and discrimination in our societies against refugees and migrants. We will take measures to improve their integration and inclusion, as appropriate, and with particular reference to access to education, health care, justice and language training. We recognize that these measures will reduce the risks of marginalization and radicalization. National policies relating to integration and inclusion will be developed, as appropriate, in conjunction with relevant civil society organizations, including faith-based organizations, the private sector, employers' and workers' organizations and other stakeholders. We also note the obligation for refugees and migrants to observe the laws and regulations of their host countries.

40. We recognize the importance of improved data collection, particularly by national authorities, and will enhance international cooperation to this end, including through capacity-building, financial support and technical assistance. Such data should be disaggregated by sex and age and include information on regular and irregular flows, the economic impacts of migration and refugee movements, human trafficking, the needs of refugees, migrants and host communities and other issues. We will do so consistent with our national legislation on data protection, if applicable, and our international obligations related to privacy, as applicable.

III. Commitments for migrants

41. We are committed to protecting the safety, dignity and human rights and fundamental freedoms of all migrants, regardless of their migratory status, at all times. We will cooperate closely to facilitate and ensure safe, orderly and regular migration, including return and readmission, taking into account national legislation.

42. We commit to safeguarding the rights of, protecting the interests of and assisting our migrant communities abroad, including through consular protection, assistance and cooperation, in accordance with relevant international law. We

reaffirm that everyone has the right to leave any country, including his or her own, and to return to his or her country. We recall at the same time that each State has a sovereign right to determine whom to admit to its territory, subject to that State's international obligations. We recall also that States must readmit their returning nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation. We will take measures to inform migrants about the various processes relating to their arrival and stay in countries of transit, destination and return.

43. We commit to addressing the drivers that create or exacerbate large movements. We will analyse and respond to the factors, including in countries of origin, which lead or contribute to large movements. We will cooperate to create conditions that allow communities and individuals to live in peace and prosperity in their homelands. Migration should be a choice, not a necessity. We will take measures, inter alia, to implement the 2030 Agenda for Sustainable Development, whose objectives include eradicating extreme poverty and inequality, revitalizing the Global Partnership for Sustainable Development, promoting peaceful and inclusive societies based on international human rights and the rule of law, creating conditions for balanced, sustainable and inclusive economic growth and employment, combating environmental degradation and ensuring effective responses to natural disasters and the adverse impacts of climate change.

44. Recognizing that the lack of educational opportunities is often a push factor for migration, particularly for young people, we commit to strengthening capacities in countries of origin, including in educational institutions. We commit also to enhancing employment opportunities, particularly for young people, in countries of origin. We acknowledge also the impact of migration on human capital in countries of origin.

45. We will consider reviewing our migration policies with a view to examining their possible unintended negative consequences.

46. We also recognize that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses. Migrants can make positive and profound contributions to economic and social development in their host societies and to global wealth creation. They can help to respond to demographic trends, labour shortages and other challenges in host societies, and add fresh skills and dynamism to the latter's economies. We recognize the development benefits of migration to countries of origin, including through the involvement of diasporas in economic development and reconstruction. We will commit to reducing the costs of labour migration and promote ethical recruitment policies and practices between sending and receiving countries. We will promote faster, cheaper and safer transfers of migrant remittances in both source and recipient countries, including through a reduction in transaction costs, as well as the facilitation of interaction between diasporas and their countries of origin. We would like these contributions to be more widely recognized and indeed, strengthened in the context of implementation of the 2030 Agenda for Sustainable Development.

47. We will ensure that all aspects of migration are integrated into global, regional and national sustainable development plans and into humanitarian, peacebuilding and human rights policies and programmes.

48. We call upon States that have not done so to consider ratifying, or acceding to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.¹⁰ We call also upon States that have not done so to consider acceding to relevant International Labour Organization conventions, as appropriate. We note, in addition, that migrants enjoy rights and protection under various provisions of international law.
49. We commit to strengthening global governance of migration. We therefore warmly support and welcome the agreement to bring the International Organization for Migration, an organization regarded by its Member States as the global lead agency on migration, into a closer legal and working relationship with the United Nations as a related organization.¹¹ We look forward to the implementation of this agreement, which will assist and protect migrants more comprehensively, help States to address migration issues and promote better coherence between migration and related policy domains.
50. We will assist, impartially and on the basis of needs, migrants in countries that are experiencing conflicts or natural disasters, working, as applicable, in coordination with the relevant national authorities. While recognizing that not all States are participating in them, we note in this regard the Migrants in Countries in Crisis initiative and the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change resulting from the Nansen Initiative.
51. We take note of the work done by the Global Migration Group to develop principles and practical guidance on the protection of the human rights of migrants in vulnerable situations.
52. We will consider developing non-binding guiding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations, especially unaccompanied and separated children who do not qualify for international protection as refugees and who may need assistance. The guiding principles and guidelines will be developed using a State-led process with the involvement of all relevant stakeholders and with input from the Special Representative of the Secretary-General on International Migration and Development, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other relevant United Nations system entities. They would complement national efforts to protect and assist migrants.
53. We welcome the willingness of some States to provide temporary protection against return to migrants who do not qualify for refugee status and who are unable to return home owing to conditions in their countries.
54. We will build on existing bilateral, regional and global cooperation and partnership mechanisms, in accordance with international law, for facilitating migration in line with the 2030 Agenda for Sustainable Development. We will strengthen cooperation to this end among countries of origin, transit and destination, including through regional consultative processes, international organizations, the International Red Cross and Red Crescent Movement, regional economic organizations and local government authorities, as well as with relevant private

¹⁰ United Nations, *Treaty Series*, vol. 2220, No. 39481.

¹¹ Resolution 70/296, annex.

sector recruiters and employers, labour unions, civil society and migrant and diaspora groups. We recognize the particular needs of local authorities, who are the first receivers of migrants.

55. We recognize the progress made on international migration and development issues within the United Nations system, including the first and second High-level Dialogues on International Migration and Development. We will support enhanced global and regional dialogue and deepened collaboration on migration, particularly through exchanges of best practice and mutual learning and the development of national or regional initiatives. We note in this regard the valuable contribution of the Global Forum on Migration and Development and acknowledge the importance of multi-stakeholder dialogues on migration and development.

56. We affirm that children should not be criminalized or subject to punitive measures because of their migration status or that of their parents

57. We will consider facilitating opportunities for safe, orderly and regular migration, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities. We will pay particular attention to the application of minimum labour standards for migrant workers regardless of their status, as well as to recruitment and other migration-related costs, remittance flows, transfers of skills and knowledge and the creation of employment opportunities for young people.

58. We strongly encourage cooperation among countries of origin or nationality, countries of transit, countries of destination and other relevant countries in ensuring that migrants who do not have permission to stay in the country of destination can return, in accordance with international obligations of all States, to their country of origin or nationality in a safe, orderly and dignified manner, preferably on a voluntary basis, taking into account national legislation in line with international law. We note that cooperation on return and readmission forms an important element of international cooperation on migration. Such cooperation would include ensuring proper identification and the provision of relevant travel documents. Any type of return, whether voluntary or otherwise, must be consistent with our obligations under international human rights law and in compliance with the principle of non-refoulement. It should also respect the rules of international law and must in addition be conducted in keeping with the best interests of children and with due process. While recognizing that they apply only to States that have entered into them, we acknowledge that existing readmission agreements should be fully implemented. We support enhanced reception and reintegration assistance for those who are returned. Particular attention should be paid to the needs of migrants in vulnerable situations who return, such as children, older persons, persons with disabilities and victims of trafficking.

59. We reaffirm our commitment to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, and to provide access to basic health, education and psychosocial services, ensuring that the best interests of the child is a primary consideration in all relevant policies

60. We recognize the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into migration policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against women and girls.

61. While recognizing the contribution of civil society, including non-governmental organizations, to promoting the well-being of migrants and their integration into societies, especially at times of extremely vulnerable conditions, and the support of the international community to the efforts of such organizations, we encourage deeper interaction between Governments and civil society to find responses to the challenges and the opportunities posed by international migration.

62. We note that the Special Representative of the Secretary-General on International Migration and Development, Mr. Peter Sutherland, will be providing, before the end of 2016, a report that will propose ways of strengthening international cooperation and the engagement of the United Nations on migration.

63. We commit to launching, in 2016, a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration at an intergovernmental conference to be held in 2018. We invite the President of the General Assembly to make arrangements for the determination of the modalities, timeline and other practicalities relating to the negotiation process. Further details regarding the process are set out in annex II to the present declaration.

IV. Commitments for refugees

64. Recognizing that armed conflict, persecution and violence, including terrorism, are among the factors which give rise to large refugee movements, we will work to address the root causes of such crisis situations and to prevent or resolve conflict by peaceful means. We will work in every way possible for the peaceful settlement of disputes, the prevention of conflict and the achievement of the long-term political solutions required. Preventive diplomacy and early response to conflict on the part of States and the United Nations are critical. The promotion of human rights is also critical. In addition, we will promote good governance, the rule of law, effective, accountable and inclusive institutions, and sustainable development at the international, regional, national and local levels. Recognizing that displacement could be reduced if international humanitarian law were respected by all parties to armed conflict, we renew our commitment to uphold humanitarian principles and international humanitarian law. We confirm also our respect for the rules that safeguard civilians in conflict.

65. We reaffirm the 1951 Convention relating to the Status of Refugees¹² and the 1967 Protocol thereto¹³ as the foundation of the international refugee protection regime. We recognize the importance of their full and effective application by States parties and the values they embody. We note with satisfaction that 148 States are now parties to one or both instruments. We encourage States not parties to consider acceding to those instruments and States parties with reservations to give consideration to withdrawing them. We recognize also that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees.

66. We reaffirm that international refugee law, international human rights law and international humanitarian law provide the legal framework to strengthen the protection of refugees. We will ensure, in this context, protection for all who need it. We take note of regional refugee instruments, such as the Organization of African

¹² United Nations, *Treaty Series*, vol. 189, No. 2545.

¹³ *Ibid.*, vol. 606, No. 8791.

Unity Convention governing the specific aspects of refugee problems in Africa¹⁴ and the Cartagena Declaration on Refugees.

67. We reaffirm respect for the institution of asylum and the right to seek asylum. We reaffirm also respect for and adherence to the fundamental principle of non-refoulement in accordance with international refugee law.

68. We underline the centrality of international cooperation to the refugee protection regime. We recognize the burdens that large movements of refugees place on national resources, especially in the case of developing countries. To address the needs of refugees and receiving States, we commit to a more equitable sharing of the burden and responsibility for hosting and supporting the world's refugees, while taking account of existing contributions and the differing capacities and resources among States.

69. We believe that a comprehensive refugee response should be developed and initiated by the Office of the United Nations High Commissioner for Refugees, in close coordination with relevant States, including host countries, and involving other relevant United Nations entities, for each situation involving large movements of refugees. This should involve a multi-stakeholder approach that includes national and local authorities, international organizations, international financial institutions, civil society partners (including faith-based organizations, diaspora organizations and academia), the private sector, the media and refugees themselves. A comprehensive framework of this kind is annexed to the present declaration.

70. We will ensure that refugee admission policies or arrangements are in line with our obligations under international law. We wish to see administrative barriers eased, with a view to accelerating refugee admission procedures to the extent possible. We will, where appropriate, assist States to conduct early and effective registration and documentation of refugees. We will also promote access for children to child-appropriate procedures. At the same time, we recognize that the ability of refugees to lodge asylum claims in the country of their choice may be regulated, subject to the safeguard that they will have access to, and enjoyment of, protection elsewhere.

71. We encourage the adoption of measures to facilitate access to civil registration and documentation for refugees. We recognize in this regard the importance of early and effective registration and documentation, as a protection tool and to facilitate the provision of humanitarian assistance.

72. We recognize that statelessness can be a root cause of forced displacement and that forced displacement, in turn, can lead to statelessness. We take note of the campaign of the Office of the United Nations High Commissioner for Refugees to end statelessness within a decade and we encourage States to consider actions they could take to reduce the incidence of statelessness. We encourage those States that have not yet acceded to the 1954 Convention relating to the Status of Stateless Persons¹⁵ and the 1961 Convention on the Reduction of Statelessness¹⁶ to consider doing so.

73. We recognize that refugee camps should be the exception and, to the extent possible, a temporary measure in response to an emergency. We note that 60 per cent

¹⁴ Ibid., vol. 1001, No. 14691.

¹⁵ Ibid., vol. 360, No. 5158.

¹⁶ Ibid., vol. 989, No. 14458.

of refugees worldwide are in urban settings and only a minority are in camps. We will ensure that the delivery of assistance to refugees and host communities is adapted to the relevant context. We underline that host States have the primary responsibility to ensure the civilian and humanitarian character of refugee camps and settlements. We will work to ensure that this character is not compromised by the presence or activities of armed elements and to ensure that camps are not used for purposes that are incompatible with their civilian character. We will work to strengthen security in refugee camps and surrounding local communities, at the request and with the consent of the host country.

74. We welcome the extraordinarily generous contribution made to date by countries that host large refugee populations and will work to increase the support for those countries. We call for pledges made at relevant conferences to be disbursed promptly.

75. We commit to working towards solutions from the outset of a refugee situation. We will actively promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable and timely return in safety and dignity. This will encompass repatriation, reintegration, rehabilitation and reconstruction activities. We encourage States and other relevant actors to provide support through, inter alia, the allocation of funds.

76. We reaffirm that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin.

77. We intend to expand the number and range of legal pathways available for refugees to be admitted to or resettled in third countries. In addition to easing the plight of refugees, this has benefits for countries that host large refugee populations and for third countries that receive refugees.

78. We urge States that have not yet established resettlement programmes to consider doing so at the earliest opportunity. Those which have already done so are encouraged to consider increasing the size of their programmes. It is our aim to provide resettlement places and other legal pathways for admission on a scale that would enable the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met.

79. We will consider the expansion of existing humanitarian admission programmes, possible temporary evacuation programmes, including evacuation for medical reasons, flexible arrangements to assist family reunification, private sponsorship for individual refugees and opportunities for labour mobility for refugees, including through private sector partnerships, and for education, such as scholarships and student visas.

80. We are committed to providing humanitarian assistance to refugees so as to ensure essential support in key life-saving sectors, such as health care, shelter, food, water and sanitation. We commit to supporting host countries and communities in this regard, including by using locally available knowledge and capacities. We will support community-based development programmes that benefit both refugees and host communities.

81. We are determined to provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement. We commit to providing host countries with support in this regard. Access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.

82. We will support early childhood education for refugee children. We will also promote tertiary education, skills training and vocational education. In conflict and crisis situations, higher education serves as a powerful driver for change, shelters and protects a critical group of young men and women by maintaining their hopes for the future, fosters inclusion and non-discrimination and acts as a catalyst for the recovery and rebuilding of post-conflict countries.

83. We will work to ensure that the basic health needs of refugee communities are met and that women and girls have access to essential health-care services. We commit to providing host countries with support in this regard. We will also develop national strategies for the protection of refugees within the framework of national social protection systems, as appropriate.

84. Welcoming the positive steps taken by individual States, we encourage host Governments to consider opening their labour markets to refugees. We will work to strengthen host countries' and communities' resilience, assisting them, for example, with employment creation and income generation schemes. In this regard, we recognize the potential of young people and will work to create the conditions for growth, employment and education that will allow them to be the drivers of development.

85. In order to meet the challenges posed by large movements of refugees, close coordination will be required among a range of humanitarian and development actors. We commit to putting those most affected at the centre of planning and action. Host Governments and communities may need support from relevant United Nations entities, local authorities, international financial institutions, regional development banks, bilateral donors, the private sector and civil society. We strongly encourage joint responses involving all such actors in order to strengthen the nexus between humanitarian and development actors, facilitate cooperation across institutional mandates and, by helping to build self-reliance and resilience, lay a basis for sustainable solutions. In addition to meeting direct humanitarian and development needs, we will work to support environmental, social and infrastructural rehabilitation in areas affected by large movements of refugees.

86. We note with concern a significant gap between the needs of refugees and the available resources. We encourage support from a broader range of donors and will take measures to make humanitarian financing more flexible and predictable, with diminished earmarking and increased multi-year funding, in order to close this gap. United Nations entities such as the Office of the United Nations High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East and other relevant organizations require sufficient funding to be able to carry out their activities effectively and in a predictable manner. We welcome the increasing engagement of the World Bank and multilateral development banks and improvements in access to concessional development financing for affected communities. It is clear, furthermore, that private sector investment in support of refugee communities and host countries will be of critical importance over the coming years. Civil society is also a key partner in every region of the world in responding to the needs of refugees.

87. We note that the United States of America, Canada, Ethiopia, Germany, Jordan, Mexico, Sweden and the Secretary-General will host a high-level meeting on refugees on 20 September 2016.

V. Follow-up to and review of our commitments

88. We recognize that arrangements are needed to ensure systematic follow-up to and review of all of the commitments we are making today. Accordingly, we request the Secretary-General to ensure that the progress made by Member States and the United Nations in implementing the commitments made at today's high-level meeting will be the subject of periodic assessments provided to the General Assembly with reference, as appropriate, to the 2030 Agenda for Sustainable Development.

89. In addition, a role in reviewing relevant aspects of the present declaration should be envisaged for the periodic High-level Dialogues on International Migration and Development and for the annual report of the United Nations High Commissioner for Refugees to the General Assembly.

90. In recognition of the need for significant financial and programme support to host countries and communities affected by large movements of refugees and migrants, we request the Secretary-General to report to the General Assembly at its seventy-first session on ways of achieving greater efficiency, operational effectiveness and system-wide coherence, as well as ways of strengthening the engagement of the United Nations with international financial institutions and the private sector, with a view to fully implementing the commitments outlined in the present declaration.

*3rd plenary meeting
19 September 2016*

Annex I

Comprehensive refugee response framework

1. The scale and nature of refugee displacement today requires us to act in a comprehensive and predictable manner in large-scale refugee movements. Through a comprehensive refugee response based on the principles of international cooperation and on burden- and responsibility-sharing, we are better able to protect and assist refugees and to support the host States and communities involved.
2. The comprehensive refugee response framework will be developed and initiated by the Office of the United Nations High Commissioner for Refugees, in close coordination with relevant States, including host countries, and involving other relevant United Nations entities, for each situation involving large movements of refugees. A comprehensive refugee response should involve a multi-stakeholder approach, including national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves.
3. While each large movement of refugees will differ in nature, the elements noted below provide a framework for a comprehensive and people-centred refugee response, which is in accordance with international law and best international practice and adapted to the specific context.
4. We envisage a comprehensive refugee response framework for each situation involving large movements of refugees, including in protracted situations, as an integral and distinct part of an overall humanitarian response, where it exists, and which would normally contain the elements set out below.

Reception and admission

5. At the outset of a large movement of refugees, receiving States, bearing in mind their national capacities and international legal obligations, in cooperation, as appropriate, with the Office of the United Nations High Commissioner for Refugees, international organizations and other partners and with the support of other States as requested, in conformity with international obligations, would:

(a) Ensure, to the extent possible, that measures are in place to identify persons in need of international protection as refugees, provide for adequate, safe and dignified reception conditions, with a particular emphasis on persons with specific needs, victims of human trafficking, child protection, family unity, and prevention of and response to sexual and gender-based violence, and support the critical contribution of receiving communities and societies in this regard;

(b) Take account of the rights, specific needs, contributions and voices of women and girl refugees;

(c) Assess and meet the essential needs of refugees, including by providing access to adequate safe drinking water, sanitation, food, nutrition, shelter, psychosocial support and health care, including sexual and reproductive health, and providing assistance to host countries and communities in this regard, as required;

(d) Register individually and document those seeking protection as refugees, including in the first country where they seek asylum, as quickly as possible upon their arrival. To achieve this, assistance may be needed, in areas such as biometric technology and other technical and financial support, to be coordinated by the Office of the United Nations High Commissioner for Refugees with relevant actors and partners, where necessary;

(e) Use the registration process to identify specific assistance needs and protection arrangements, where possible, including but not exclusively for refugees with special protection concerns, such as women at risk, children, especially unaccompanied children and children separated from their families, child-headed and single-parent households, victims of trafficking, victims of trauma and survivors of sexual violence, as well as refugees with disabilities and older persons;

(f) Work to ensure the immediate birth registration for all refugee children born on their territory and provide adequate assistance at the earliest opportunity with obtaining other necessary documents, as appropriate, relating to civil status, such as marriage, divorce and death certificates;

(g) Put in place measures, with appropriate legal safeguards, which uphold refugees' human rights, with a view to ensuring the security of refugees, as well as measures to respond to host countries' legitimate security concerns;

(h) Take measures to maintain the civilian and humanitarian nature of refugee camps and settlements;

(i) Take steps to ensure the credibility of asylum systems, including through collaboration among the countries of origin, transit and destination and to facilitate the return and readmission of those who do not qualify for refugee status.

Support for immediate and ongoing needs

6. States, in cooperation with multilateral donors and private sector partners, as appropriate, would, in coordination with receiving States:

(a) Mobilize adequate financial and other resources to cover the humanitarian needs identified within the comprehensive refugee response framework;

(b) Provide resources in a prompt, predictable, consistent and flexible manner, including through wider partnerships involving State, civil society, faith-based and private sector partners;

(c) Take measures to extend the finance lending schemes that exist for developing countries to middle-income countries hosting large numbers of refugees, bearing in mind the economic and social costs to those countries;

(d) Consider establishing development funding mechanisms for such countries;

(e) Provide assistance to host countries to protect the environment and strengthen infrastructure affected by large movements of refugees;

(f) Increase support for cash-based delivery mechanisms and other innovative means for the efficient provision of humanitarian assistance, where appropriate, while increasing accountability to ensure that humanitarian assistance reaches its beneficiaries.

7. Host States, in cooperation with the Office of the United Nations High Commissioner for Refugees and other United Nations entities, financial institutions and other relevant partners, would, as appropriate:

(a) Provide prompt, safe and unhindered access to humanitarian assistance for refugees in accordance with existing humanitarian principles;

(b) Deliver assistance, to the extent possible, through appropriate national and local service providers, such as public authorities for health, education, social services and child protection;

(c) Encourage and empower refugees, at the outset of an emergency phase, to establish supportive systems and networks that involve refugees and host communities and are age- and gender-sensitive, with a particular emphasis on the protection and empowerment of women and children and other persons with specific needs,

(d) Support local civil society partners that contribute to humanitarian responses, in recognition of their complementary contribution;

(e) Ensure close cooperation and encourage joint planning, as appropriate, between humanitarian and development actors and other relevant actors.

Support for host countries and communities

8. States, the Office of the United Nations High Commissioner for Refugees and relevant partners would:

(a) Implement a joint, impartial and rapid risk and/or impact assessment, in anticipation or after the onset of a large refugee movement, in order to identify and prioritize the assistance required for refugees, national and local authorities, and communities affected by a refugee presence;

(b) Incorporate, where appropriate, the comprehensive refugee response framework in national development planning, in order to strengthen the delivery of essential services and infrastructure for the benefit of host communities and refugees;

(c) Work to provide adequate resources, without prejudice to official development assistance, for national and local government authorities and other service providers in view of the increased needs and pressures on social services. Programmes should benefit refugees and the host country and communities

Durable solutions

9. We recognize that millions of refugees around the world at present have no access to timely and durable solutions, the securing of which is one of the principal goals of international protection. The success of the search for solutions depends in large measure on resolute and sustained international cooperation and support.

10. We believe that actions should be taken in pursuit of the following durable solutions: voluntary repatriation, local solutions and resettlement and complementary pathways for admission. These actions should include the elements set out below.

11. We reaffirm the primary goal of bringing about conditions that would help refugees return in safety and dignity to their countries and emphasize the need to tackle the root causes of violence and armed conflict and to achieve necessary political solutions and the peaceful settlement of disputes, as well as to assist in reconstruction efforts. In this context, States of origin/nationality would:

(a) Acknowledge that everyone has the right to leave any country, including his or her own, and to return to his or her country;

(b) Respect this right and also respect the obligation to receive back their nationals, which should occur in a safe, dignified and humane manner and with full respect for human rights in accordance with obligations under international law;

(c) Provide necessary identification and travel documents;

(d) Facilitate the socioeconomic reintegration of returnees;

(e) Consider measures to enable the restitution of property.

12. To ensure sustainable return and reintegration, States, United Nations organizations and relevant partners would:

(a) Recognize that the voluntary nature of repatriation is necessary as long as refugees continue to require international protection, that is, as long as they cannot regain fully the protection of their own country;

(b) Plan for and support measures to encourage voluntary and informed repatriation, reintegration and reconciliation;

(c) Support countries of origin/nationality, where appropriate, including through funding for rehabilitation, reconstruction and development, and with the necessary legal safeguards to enable refugees to access legal, physical and other support mechanisms needed for the restoration of national protection and their reintegration;

(d) Support efforts to foster reconciliation and dialogue, particularly with refugee communities and with the equal participation of women and youth, and to ensure respect for the rule of law at the national and local levels;

(e) Facilitate the participation of refugees, including women, in peace and reconciliation processes, and ensure that the outcomes of such processes duly support their return in safety and dignity;

(f) Ensure that national development planning incorporates the specific needs of returnees and promotes sustainable and inclusive reintegration, as a measure to prevent future displacement.

13. Host States, bearing in mind their capacities and international legal obligations, in cooperation with the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for

Palestine Refugees in the Near East, where appropriate, and other United Nations entities, financial institutions and other relevant partners, would:

(a) Provide legal stay to those seeking and in need of international protection as refugees, recognizing that any decision regarding permanent settlement in any form, including possible naturalization, rests with the host country;

(b) Take measures to foster self-reliance by pledging to expand opportunities for refugees to access, as appropriate, education, health care and services, livelihood opportunities and labour markets, without discriminating among refugees and in a manner which also supports host communities;

(c) Take measures to enable refugees, including in particular women and youth, to make the best use of their skills and capacities, recognizing that empowered refugees are better able to contribute to their own and their communities' well-being;

(d) Invest in building human capital, self-reliance and transferable skills as an essential step towards enabling long-term solutions.

14. Third countries would:

(a) Consider making available or expanding, including by encouraging private sector engagement and action as a supplementary measure, resettlement opportunities and complementary pathways for admission of refugees through such means as medical evacuation and humanitarian admission programmes, family reunification and opportunities for skilled migration, labour mobility and education;

(b) Commit to sharing best practices, providing refugees with sufficient information to make informed decisions and safeguarding protection standards;

(c) Consider broadening the criteria for resettlement and humanitarian admission programmes in mass displacement and protracted situations, coupled with, as appropriate, temporary humanitarian evacuation programmes and other forms of admission.

15. States that have not yet established resettlement programmes are encouraged to do so at the earliest opportunity. Those that have already done so are encouraged to consider increasing the size of their programmes. Such programmes should incorporate a non-discriminatory approach and a gender perspective throughout.

16. States aim to provide resettlement places and other legal pathways on a scale that would enable the annual resettlement needs identified by the Office of the United Nations High Commissioner for Refugees to be met.

The way forward

17. We commit to implementing this comprehensive refugee response framework.

18. We invite the Office of the United Nations High Commissioner for Refugees to engage with States and consult with all relevant stakeholders over the coming two years, with a view to evaluating the detailed practical application of the comprehensive refugee response framework and assessing the scope for refinement and further development. This process should be informed by practical experience with the implementation of the framework in a range of specific situations. The objective would be to ease pressures on the host countries involved, to enhance refugee self-reliance, to expand access to third-country solutions and to support conditions in countries of origin for return in safety and dignity.

19. We will work towards the adoption in 2018 of a global compact on refugees, based on the comprehensive refugee response framework and on the outcomes of the process described above. We invite the United Nations High Commissioner for Refugees to include such a proposed global compact on refugees in his annual report to the General Assembly in 2018, for consideration by the Assembly at its seventy-third session in conjunction with its annual resolution on the Office of the United Nations High Commissioner for Refugees.

Annex II

Towards a global compact for safe, orderly and regular migration

I. Introduction

1. This year, we will launch a process of intergovernmental negotiations leading to the adoption of a global compact for safe, orderly and regular migration.

2. The global compact would set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions. It would make an important contribution to global governance and enhance coordination on international migration. It would present a framework for comprehensive international cooperation on migrants and human mobility. It would deal with all aspects of international migration, including the humanitarian, developmental, human rights-related and other aspects of migration. It would be guided by the 2030 Agenda for Sustainable Development¹⁷ and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,¹⁸ and informed by the Declaration of the High-level Dialogue on International Migration and Development adopted in October 2013.¹⁹

II. Context

3. We acknowledge the important contribution made by migrants and migration to development in countries of origin, transit and destination, as well as the complex interrelationship between migration and development.

4. We recognize the positive contribution of migrants to sustainable and inclusive development. We also recognize that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses

5. We will cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants, regardless of migration status. We underline the need to ensure respect for the dignity of migrants and the protection of their rights under applicable international law, including the principle of non-discrimination under international law.

6. We emphasize the multidimensional character of international migration, the importance of international, regional and bilateral cooperation and dialogue in this regard, and the need to protect the human rights of all migrants, regardless of status, particularly at a time when migration flows have increased.

¹⁷ Resolution 70/1

¹⁸ Resolution 69/313, annex

¹⁹ Resolution 68/4

7. We bear in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon. We acknowledge that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors are among the drivers of migration. In turn, pro-poor policies relating to trade, employment and productive investments can stimulate growth and create enormous development potential. We note that international economic imbalances, poverty and environmental degradation, combined with the absence of peace and security and lack of respect for human rights, are all factors affecting international migration.

III. Content

8. The global compact could include, but would not be limited to, the following elements:

(a) International migration as a multidimensional reality of major relevance for the development of countries of origin, transit and destination, as recognized in the 2030 Agenda for Sustainable Development;

(b) International migration as a potential opportunity for migrants and their families;

(c) The need to address the drivers of migration, including through strengthened efforts in development, poverty eradication and conflict prevention and resolution;

(d) The contribution made by migrants to sustainable development and the complex interrelationship between migration and development;

(e) The facilitation of safe, orderly, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies; this may include the creation and expansion of safe, regular pathways for migration;

(f) The scope for greater international cooperation, with a view to improving migration governance;

(g) The impact of migration on human capital in countries of origin;

(h) Remittances as an important source of private capital and their contribution to development and promotion of faster, cheaper and safer transfers of remittances through legal channels, in both source and recipient countries, including through a reduction in transaction costs;

(i) Effective protection of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status, and the specific needs of migrants in vulnerable situations,

(j) International cooperation for border control, with full respect for the human rights of migrants;

(k) Combating trafficking in persons, smuggling of migrants and contemporary forms of slavery;

(l) Identifying those who have been trafficked and considering providing assistance, including temporary or permanent residency, and work permits, as appropriate,

(m) Reduction of the incidence and impact of irregular migration,

- (n) Addressing the situations of migrants in countries in crisis;
- (o) Promotion, as appropriate, of the inclusion of migrants in host societies, access to basic services for migrants and gender-responsive services;
- (p) Consideration of policies to regularize the status of migrants;
- (q) Protection of labour rights and a safe environment for migrant workers and those in precarious employment, protection of women migrant workers in all sectors and promotion of labour mobility, including circular migration;
- (r) The responsibilities and obligations of migrants towards host countries;
- (s) Return and readmission, and improving cooperation in this regard between countries of origin and destination;
- (t) Harnessing the contribution of diasporas and strengthening links with countries of origin;
- (u) Combating racism, xenophobia, discrimination and intolerance towards all migrants;
- (v) Disaggregated data on international migration;
- (w) Recognition of foreign qualifications, education and skills and cooperation in access to and portability of earned benefits;
- (x) Cooperation at the national, regional and international levels on all aspects of migration.

IV. The way forward

9. The global compact would be elaborated through a process of intergovernmental negotiations, for which preparations will begin immediately. The negotiations, which will begin in early 2017, are to culminate in an intergovernmental conference on international migration in 2018 at which the global compact will be presented for adoption.

10. As the Third High-level Dialogue on International Migration and Development is to be held in New York no later than 2019,²⁰ a role should be envisaged for the High-level Dialogue in the process.

11. The President of the General Assembly is invited to make early arrangements for the appointment of two co-facilitators to lead open, transparent and inclusive consultations with States, with a view to the determination of modalities, a timeline, the possible holding of preparatory conferences and other practicalities relating to the intergovernmental negotiations, including the integration of Geneva-based migration expertise.

12. The Secretary-General is requested to provide appropriate support for the negotiations. We envisage that the Secretariat of the United Nations and the International Organization for Migration would jointly service the negotiations, the former providing capacity and support and the latter extending the technical and policy expertise required.

13. We envisage also that the Special Representative of the Secretary-General for International Migration and Development, Mr. Peter Sutherland, would coordinate

²⁰ See resolution 69/229, para. 32.

the contributions to be made to the negotiation process by the Global Forum on Migration and Development and the Global Migration Group. We envisage that the International Labour Organization, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and other entities with significant mandates and expertise related to migration would contribute to the process.

14. Regional consultations in support of the negotiations would be desirable, including through existing consultative processes and mechanisms, where appropriate.

15. Civil society, the private sector, diaspora communities and migrant organizations would be invited to contribute to the process for the preparation of the global compact.



Seventy-second session
Agenda items 14 and 117

**Integrated and coordinated implementation of and follow-up
to the outcomes of the major United Nations conferences and
summits in the economic, social and related fields**

Follow-up to the outcome of the Millennium Summit

Making migration work for all

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 71/280, in which the Assembly requested the Secretary-General to present a report as an input to the zero draft of the global compact for safe, orderly and regular migration and related intergovernmental negotiations. Written submissions were received from States, intergovernmental organizations and non-governmental organizations in response to a note verbale requesting information, sent on 21 July 2017, on behalf of the Secretary-General, from the office of the Special Representative of the Secretary-General for International Migration.

The report focuses on making migration work for all, emphasizing its links to the 2030 Agenda for Sustainable Development. The report highlights: (a) options for Member States to help migrants fulfil their economic and social potential; (b) steps to promote regular migration; and (c) policies to meet the legitimate security considerations of Member States concerning irregular migration. It also explores the specific challenges arising from large mixed movements of migrants and refugees.

The report offers suggestions for Member States to frame an action-oriented global compact, addressing aspects of migration from the subnational to the global level and a specific strategy for responding to large movements of migrants. The Secretary-General also sets out plans to conduct intensive consultations within the United Nations system to address how the Organization can adapt to provide better support for the global compact and sets out proposals for follow-up to the compact by Member States.



I. Introduction

A. Migration and the urgency of international cooperation

1. Managing migration is one of the most urgent and profound tests of international cooperation in our time. Migration is an engine of economic growth, innovation and sustainable development. It allows millions of people to seek new opportunities each year, creating and strengthening bonds between countries and societies. Yet it is also a source of divisions within and between States and societies, often leaving migrants vulnerable to abuse and exploitation. In recent years, large movements of desperate people, including both migrants and refugees, have cast a shadow over the broader benefits of migration. It is time to reverse those trends, to recommit to protecting lives and rights of all migrants and to make migration work for all.

2. The drafting of the global compact on safe, orderly and regular migration, to be adopted in 2018, is an opportunity for Member States to reinforce the benefits of migration, and to bring the challenges it creates under control. Member States have made numerous relevant commitments in an extensive body of international law, including the core human rights instruments and standards, and in multiple recent declarations and agreements.¹ But all too often, policy implementation lags behind the ambitions of Member States. The global compact offers a chance to bridge this divide.

3. The time for debating the need for cooperation in this field is past. Migration is an expanding global reality. There are an estimated 258 million international migrants.² The majority of these migrants move between countries in a safe, orderly and regular manner. The United Nations calculates that the total number of international migrants has grown by 49 per cent since 2000, surpassing the global population growth rate of 23 per cent.³ As a result, migrants have gone from 2.8 per cent to 3.4 per cent of the world's population.³ It is probable that demographic trends, coupled with forces such as the impacts of climate change, will contribute to a further increase in migration in the future.

4. Reflecting on the consultation phase of the global compact process, and submissions from Member States, elements of the United Nations system and a wide

¹ See the report of the United Nations High Commissioner for Human Rights to the Human Rights Council on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law (A/HRC/36/42); see also the 2013 High-level dialogue on International Migration and Development; the United Nations Framework Convention on Climate Change; the Sendai Framework for Disaster Risk Reduction 2015–2030; the New Urban Agenda; the 2030 Agenda for Sustainable Development; the New York Declaration for Refugees and Migrants; and the Sustainable Development Goals.

² Utilizing the definition given by the Department of Economic and Social Affairs of the United Nations Secretariat, which includes 25.9 million refugees and asylum seekers, representing 10.1 per cent of all international migrants. See Department of Economic and Social Affairs, Population Division, *Trends in International Migrant Stock: The 2017 Revision* (POP/DB/MIG/Stock/Rev.2017). There is as yet no agreed definition of the term international migrant. However, in all instances, the data on the number of migrants are incomplete. The United Nations relies on the statistical data provided by the Department of Economic and Social Affairs and, unless otherwise indicated, that is what is referred to in the present report. For examples of the differing definitions see United Nations, Department of Economic and Social Affairs, Statistics Division, *Recommendations on Statistics of International Migration, Revision 1*, Statistical Papers, Series M, No. 58, Rev.1 (United Nations publication, Sales No. E.98.XVII.14), p. 9; International Organization for Migration (IOM), *Key Migration Terms* (<https://www.iom.int/key-migration-terms>); and International Labour Organization (ILO), *Fair migration agenda* (<http://www.ilo.org/global/topics/labour-migration/fair-migration-agenda/lang-en/index.htm>).

³ United Nations, Department of Economic and Social Affairs, Population Division, *Trends in International Migrant Stock: The 2017 Revision* (POP/DB/MIG/Stock/Rev.2017).

array of stakeholders, I believe that Member States should keep the following four fundamental considerations in view while preparing for the adoption of the global compact:

(a) The basic challenge before us is to maximize the benefits of migration rather than obsess about minimizing risks: we have a clear body of evidence revealing that, despite many real problems, migration is beneficial both for migrants and host communities in economic and social terms — our overarching task is to broaden the opportunities that migration offers to us all;

(b) We must strengthen the rule of law at all levels: migrants should respect the need for legal pathways, and move between countries in an orderly fashion, but to make this possible, Governments need to open routes for regular migration that respond to the realities of labour demand and supply — and we must always maintain our commitment to international law and human rights;

(c) Security matters: States and the members of the public have legitimate reasons to demand secure borders and the capacity to determine who enters and stays on in their territory, but counterproductive policies aimed at restricting migration corrode the ability of States to deliver on these priorities, and make migrants more vulnerable. I am concerned that such policies have become too common in recent years. We need to envision security in terms that mutually reinforce the safety of States, the public and migrants;

(d) Migration should never be an act of desperation: migration works for all when those who travel make an informed and voluntary choice to go abroad through legal means, but we have seen too many migrants on the move in large numbers in response to unsustainable pressures in their home countries in recent years. We should use all the developmental, governance and political tools at our disposal to prevent and mitigate the human and natural forces that drive such large movements of people, but we should also recognize that we have a duty to care for those who migrate out of desperation.

5. In the light of these four considerations, Member States must act together to protect the human rights of migrants and expand pathways for safe, orderly and regular migration, while safeguarding their borders, laws and the interests of their societies. National authorities are responsible for defining effective responses to migration, but no State can address the issue alone. Individual Governments can set the terms for access to their territory and the treatment of migrants within their borders — subject to international legal obligations — but they cannot unilaterally override the economic, demographic, environmental and other factors that shape migration and will continue to do so, including in ways we do not yet fully anticipate. Migration, as noted in the New York Declaration for Refugees and Migrants (see resolution 71/1), demands global approaches and solutions.

6. The Sustainable Development Goals, contained in the 2030 Agenda for Sustainable Development (see resolution 70/1), recognize the importance of migration in reducing inequality within and between States. In addition to addressing economic and social disparities, migration is also tied to our commitment to gender equality. It is often assumed that the vast majority of migrants are men. Yet 48 per cent of all migrants are female, exercising agency in their own right.³ I urge Member States to ensure that the global compact recognizes the contributions of migrant women and addresses their role, needs and vulnerabilities in full.

B. Structure of the report

7. The present report is split into five main sections: in section II, I make some observations about the need to ensure a respectful and realistic debate about migration in the face of many inaccurate narratives about its consequences; section III addresses the main tasks involved in making migration work for all, including helping migrants to fulfil their economic and social potential, promoting regular migration and addressing the legitimate security considerations of Member States concerning irregular migration, and section IV explores the specific policy challenges arising from large mixed movements of migrants and refugees.

8. Section V of the report discusses the implementation of the global compact, the types of commitments that Member States could make in the global compact and lays out a potential strategy for responding to large movements of migrants, which Member States could adopt as an integral part of the global compact and as a complement to the global compact on refugees, which is also to be adopted in 2018. In section VI, I put forward plans to launch intensive consultations through 2018 to prepare the United Nations system, including the International Organization for Migration (IOM), to provide effective support to Member States on migration issues, touching on improvements to intergovernmental oversight of migration, and I propose initial suggestions for mechanisms to assist Member States in follow-up after the adoption of the global compact.

II. The need for a respectful and realistic debate about migration

9. Before moving on to a discussion of policy issues, it is necessary to make some basic comments on the importance of respectful and realistic debates around migration. We must sadly acknowledge that xenophobic political narratives about migration are all too widespread today. We must not allow these to distort our agenda. I applaud the New York Declaration adopted by the Member States, and in particular for addressing the issue in positive terms. Progress towards resolving real challenges associated with migration means, in part, dispelling alarmist misrepresentations of its effects. Political leaders must take responsibility for reframing national discourses on the issue, as well as for policy reforms.

10. In this context, we need to be realistic about how migration happens and how migration policies work. It is tempting, for example, to make a binary division between regular and irregular migrants. Yet regular migrants range from individuals on short-term work or student visas to permanent residents of foreign countries, and those who acquire a new citizenship. Likewise, there is a spectrum of irregular migration, from overstaying a visa to deliberate efforts to undermine border controls. Possible responses to irregular migrants similarly lie on a spectrum from returns to temporary visa schemes and creating pathways to citizenship. There is no one single answer, just as there is not one singular problem to solve. Member States need to apply this spectrum of options flexibly in dealing with the specific situations they face.

11. We should reinforce more realistic policy debates with better data about migration. During the consultation phase of the global compact process, Member States have often noted the need for better data, including information on migrants and their effects on host communities, to assist policy development. The global compact should create an impetus for gathering such data, and I believe that the United Nations system can play a central role in this process.

12. Data cannot, however, fully capture what is at stake in current debates on migration. While migration is a universal phenomenon, different States and members of the public have divergent perspectives on its benefits and costs. For some, it is mainly an economic issue. For others, it is a matter of identity and security. Migration management encompasses tasks ranging from engaging with well-established communities of foreign workers to handling large mixed movements of refugees and migrants in vulnerable situations. Member States need to respect and respond to each other's specific priorities and challenges.

13. We must also show respect for communities that fear they are "losing out" because of migration. While there is powerful evidence that migrants are of significant benefit to both their host countries and their countries of origin, we cannot be blind to citizens' perceptions and concerns. Communities blighted by inequality and economic deprivation frequently blame migration for their troubles. While it is necessary to explain why such views are mistaken, it is essential to address the underlying vulnerabilities and fears of all citizens so that we can make migration work for all.

14. In this context, we should also recognize the wide range of stakeholders that shape migration processes alongside Member States. These include subnational authorities, notably the governments of major cities that host large numbers of migrants, as well as businesses, trade unions and civil society actors. These stakeholders are directly involved in integrating migrants into our economies and societies, and are frequently among the most creative and ambitious sources of new ideas and initiatives for managing migration.

15. Migrants themselves must have a voice in this debate. Migrants include leaders in fields ranging from finance to the arts and academia, women and men alike, who can articulate and drive innovative policies. We have an obligation, too, to listen to the needs of even the poorest and most vulnerable migrants with respect. This report, by its very nature, has a focus on options for Member States and the United Nations system, but constructive conversations on migration must include all relevant actors, by definition including migrants.

16. More specifically, I am conscious that migration can offer particularly important opportunities for women, although female migrants face significant and specific challenges. I will return to links between migration and gender equality throughout the report, but it is clear that gender equality and the empowerment of women and the protection of their rights should be core principles in all United Nations policies. I urge Member States to ensure that the global compact recognizes the contributions and the leadership of migrant women.

17. Child migrants also deserve special attention. A great many migrant children, who experience violence, abuse and exploitation, are held in detention centres and deprived of education. Those who are separated from their families are often let down by weak guardianship systems and a lack of other options to protect them. Authorities can be slow to determine their status or assess their best interests, and sometimes they fail to do so altogether. I urge Member States to address the policies and practices that put migrant children in danger as one priority of the global compact.

18. A final way to promote more respectful discussions regarding migration is to avoid dehumanizing language. Pejorative talk of "illegal immigrants" blocks reasoned discussions about the motives and needs of individuals. Even objective analyses fall back on terminology that, while meant to be neutral, lack respect. Statisticians use "stocks" and "flows" to signify the number of migrants in a country and those on the move, for example, and do not intend these terms to have negative connotations. Yet when we use these words in public discourse, we risk reducing humans to mere data points. We should aim to discuss migrants in terms that respect

their dignity and rights, just as we must respect the needs and views of communities affected by migration.

III. Maximizing the benefits of migration for all

19. In contrast to the negative narratives and stereotypes common to discussions about migration, the global compact should lay out a positive agenda that emphasizes the benefits of migration for all. Echoing the first three of the four fundamental considerations set out above (see paras. 4 (a)–(d)), I believe that such an agenda should focus on helping migrants fulfil their economic and social potential, promoting regular migration and addressing the valid security concerns of States regarding irregular migration.

A. Enabling migrants to achieve their potential

20. The global compact will be key to achieving the call contained in Sustainable Development Goal 10, to facilitate orderly, safe, regular and responsible migration and mobility of people, including through “planned and well-managed migration policies”, as part of a wider push to reduce inequality within and between States.⁴ Migrants make positive contributions to both their host and home countries. Financially, migrants, including irregular migrants, contribute by paying taxes and injecting around 85 per cent of their earnings into the economies of host societies.⁵ The remaining 15 per cent is sent back to communities of origin through remittances. In 2017, an estimated \$596 billion was transferred in remittances globally, with \$450 billion going to developing countries.⁶ Remittances add up to three times the total of official development assistance. Empirical studies have established that migrants often take jobs that people in local labour forces do not wish to fill, and thus boost economic activity, creating more jobs.⁷ Migrants, who are more likely to be of working age than the general population,⁸ generally contribute more in taxes than the cost of the services that they receive in return from host States.⁹

21. Migrants offer expertise and entrepreneurship that benefit their host societies, and migration is linked to improvements in skills and education in countries of origin. Migrants and returnees share ideas and inspire others to raise their economic

⁴ Goal 10 of the 2030 Agenda for Sustainable Development calls for reducing inequality within and among countries, including by facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

⁵ International Fund for Agricultural Development (IFAD), *Sending Money Home: Contributing to the SDGs, One Family at a Time*, June 2017.

⁶ World Bank, *Global Knowledge Partnership on Migration and Development, “Migration and Remittances: Recent Developments and Outlook”*, Migration and Development Brief 28, October 2017, World Bank, Washington, D.C. (<http://www.knomad.org/sites/default/files/2017-12/Migration%20and%20Development%20Report%2012-14-17%20web.pdf>).

⁷ Constant, A. F., “Do migrants take the jobs of native workers?”, *IZA World of Labor*, May 2014.

⁸ United Nations, Department of Economic and Social Affairs, Population Division, “Trends in international migration”, December 2015, No. 2015/4 (<http://www.un.org/en/development/desa/population/migration/publications/populationfacts/docs/MigrationPopFacts20154.pdf>).

⁹ Organization for Economic Cooperation and Development, 2013, *International Migration Outlook 2013* (http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2013_migr_outlook-2013-en).

ambitions.¹⁰ Diaspora communities can be bridge-builders between States through philanthropy, investments and innovation in their countries of origin.

22. The benefits of migration are not necessarily consistent. Contrary to many assertions, the presence of migrants does not have a long-term negative effect on the wages of other workers in their host countries. But where large numbers of migrants rapidly enter a labour market, they may have a short-term destabilizing impact on jobs and wages.¹¹ National migration policies should be attentive to the needs of local communities and labour forces.

23. The main obstacles to migrants making their maximum possible economic and social contributions are restrictive or ineffectual labour policies, laws and employment customs. Where labour migration is poorly governed, migrants can struggle to find decent work. Low-wage migrants often face dangerous working conditions, exploitative contracts and violations of their labour and other rights.

24. In some cases, migrants are trapped in sponsorship-based employment schemes dependent on a single employer, or have to bear exorbitant recruitment costs, including the fees paid to a recruiter or agent, transport costs and visa and passport fees, which can result in bonded labour and situations akin to modern slavery.

25. Where immigration and labour laws limit their options for decent, regular work, there is a high risk that migrants will choose to live and work in an irregular manner, entering into the informal economy. This increases their exposure to exploitation and rights violations, and they have little or no chance of redress. Latest estimates suggest that 23 per cent of the 24.9 million people in forced labour worldwide are international migrants while they constitute only an estimated 3.4 per cent of the world's population.¹²

26. Migrant workers of all types are often excluded from even basic coverage by social protection instruments and schemes. Many migrants contribute to social security programmes but do not receive any corresponding benefits owing to national restrictions, and sometimes they cannot access their benefits once they return home. Financial and practical barriers also make sending remittances home unconscionably costly, especially for poorer migrants. Migrant workers thus lose vast sums of money that could otherwise have gone to their families and communities.

27. In the meantime, countries from which large numbers of skilled workers emigrate may struggle to fill the resulting gaps in their own labour markets, although some academic studies have concluded that the overall damage of "brain drain" is less than is often assumed.¹⁰ Remittances, the transfers of skills and ideas, the building of networks and the opening of export markets tend to outweigh the temporary loss of workers. Nonetheless, Member States should explore ways to maximize this "brain gain". One promising idea is the creation of skills partnerships, by which Governments or employers in one country could fund the training of individuals in another to fill their specific labour markets gaps (for example in the field of nursing).¹³ This would not only equip migrants for success but also have

¹⁰ Zovanga L. Kone, Çağlar Özden, "Brain Drain, Gain, and Circulation", Global Knowledge Partnership on Migration and Development, Working Paper 19, March 2017 (https://www.knomad.org/sites/default/files/2017-04/KNOMAD%20WP19_Brain%20Drain%20gain%20and%20circulation.pdf).

¹¹ McKinsey Global Institute, "People on the move: Global migration's impact and opportunity", December 2016.

¹² International Labour Organization (ILO), *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, International Labour Office, Geneva, 2017.

¹³ Michael A. Clemens, "Global Skill Partnerships: a proposal for technical training in a mobile world", *IZA Journal of Labor Policy*, January 2015 (<https://link.springer.com/article/10.1186%2Fs40173-014-0028-z>).

benefits for their countries of origin financially and in terms of skills. It would also create a framework for "brain circulation," with those who receive training eventually returning home to share their expertise.

28. Women migrants make significant contributions to both countries of origin and destination. The labour force participation of female migrants is 67 per cent, (far above the global average of 51 per cent for women) even though women migrants often face more limited employment options than men.¹⁴ Female migrants tend to remit home a higher percentage of their earnings than men.¹⁵ Nonetheless, some societies place significant obstacles to women travelling abroad in search of opportunities, and female migrants often face discrimination once abroad. This ranges from technical obstacles, such as work visa regimes that do not allow time off for maternity leave, to sexual and gender-based violence.

29. Migration is often associated with rapid urbanization, as growing cities demand more workers. Just as most people worldwide now live in cities, the majority of migrants are also based in urban areas.¹⁶ Many urban authorities and communities have been pioneers in integrating migrants. Nevertheless where urbanization is uncontrolled, overloading services and fuelling social tensions, migrants fall through the gaps along with people in other insecure sectors of the population.

30. If the economic and social benefits of migration are clear, so are the recurrent challenges to achieving them. It is essential to recognize that national and subnational authorities have the power to resolve or mitigate these challenges through their policy choices. Where Member States take "whole-of-government" approaches to migration, including clearly identifying specific labour market needs for foreign workers, reducing recruitment costs and legal and administrative policies to integrate migrants, both host communities and migrants benefit. Such approaches need to be undertaken in consultation with the private sector, trade unions and other social partners to maximize their economic impact and public support. If Governments cooperate more effectively on meeting labour requirements and reducing the costs of remittances, they can share the benefits across borders. The global compact is a chance for Member States to set out practical approaches to maximizing the positive potential of migration, and, where necessary, to ask for, and offer, the technical assistance, resources and partnerships required to implement them.

31. While affirming the link between migration and development, it is necessary to challenge the idea that high-income States can reduce migration from low-income States simply by increasing development assistance. This assumes that as States grow wealthier, fewer citizens will feel the need to look for opportunities abroad. Recent studies suggest that the relationship between aid flows and migration is not so straightforward or linear.¹⁷ International development is a good in its own right, and migration is an integral part of sustainable development globally.

¹⁴ ILO, *Global estimates on migrant workers: results and methodology*, International Labour Office, Geneva, 2015.

¹⁵ See Anjali Fleury, "Understanding Women and Migration. A Literature Review", Global Knowledge Partnership on Migration and Development, Working Paper 8 (<http://atina.org.rs/sites/default/files/KNOMAD%20Understanding%20Women%20and%20Migration.pdf>)

¹⁶ See, for example, International Organization for Migration (IOM), *World Migration Report 2015: Migrants and Cities. New Partnerships to Manage Mobility* (http://publications.iom.int/system/files/wmr2015_en.pdf) and the report of the International Dialogue on Migration Conference on Migrants and Cities, Geneva, October 2015 (http://www.iom.int/sites/default/files/our_work/ICP/IDM/RB-25-CMC-Report_web-final.pdf)

¹⁷ See, for example, Michael A. Clemens, "Does Development Reduce Migration?", IZA Discussion Paper No. 8592 (<http://ftp.iza.org/dp8592.pdf>)

B. Promoting regular migration

32. Tens of millions of migrants in the world today have either entered a foreign country in an unauthorized manner or, having entered legally, stay or work without the necessary authorization or documents required under immigration or labour regulations.¹⁸ Some of their infringements (such as briefly overstaying a visa) are relatively minor. But other irregular migrants challenge the laws and authorities of States by, for instance, using falsified documents or otherwise circumventing legal entry requirements. This hurts States and migrants alike. States have a responsibility to control access to their territory. As a result of their status, irregular migrants face hardships that they are ill-equipped to address.

33. These issues have generated international tensions, as some countries of origin of irregular migrants have refused to cooperate with the efforts of destination countries to repatriate them. These disputes over returns can leave some migrants effectively at risk of statelessness, and the loss of trust between Member States is an obstacle to efforts to find global solutions to the challenges of migration.

34. Maximizing the benefits of migration will be hard to achieve without a constructive approach to irregular migration. The incidence of irregular migration is increased in countries where there is demand for labour that domestic workers cannot satisfy, but insufficient legal pathways for foreign workers to meet the demand. Poverty or lack of work at home also drive people to risk irregular migration even if, as I have noted, they may have to work in substandard conditions in informal economies.

35. In recent years, irregular migration has become a more acute problem due to large movements of people in different parts of the world. I return to this phenomenon in section IV below, as it raises distinct policy challenges. Nonetheless, Member States also need to respond to the broader challenge of irregular migration.

36. At a strategic and long-term level, Member States should make a collective effort to expand and strengthen pathways for regular migration to match the realities of labour market needs, including anticipating future demographic trends and future demands for labour. More immediately and locally, Member States and subnational authorities should take pragmatic actions, including regularization initiatives, to address the presence of irregular migrants within their societies.

37. The broad case for boosting regular migration is straightforward. If Member States open more diverse and accessible pathways for regular migration at all skills levels, meeting the demands of properly managed labour markets, combined with inter-State cooperation on matching the supply and demand for foreign workers, there would be fewer irregular border crossings, fewer migrants working outside the law and fewer abuses of irregular migrants. This process would allow migrants to fulfil their potential, help Member States to bring informal economic activities involving migrants under control and allow Governments to ensure public faith in their capacity to manage borders. At the inter-State level, cooperation will be enhanced if: (a) destination countries for migrants adjust legal entry requirements; and (b) countries of origin reciprocally facilitate returns.

38. In addition to linking regular migration to labour market needs, Member States should also assess the need for legal pathways for family formation and reunification. Family reunification accounts for a large share of regular migration in many countries and it is a positive means of upholding the right to family life and promoting social

¹⁸ Joseph Chamie, "Understanding Unauthorized Migration", *Inter Press Service*, New York, 15 November 2016.

integration. Efforts to restrict this result in more irregular migration, with detrimental consequences for all family members.

39. While I believe that Member States should work on expanding legal pathways as a matter both of sound policy and principle, national and subnational authorities need to consider pragmatic and rights-based options for managing irregular migrants within their borders. While voluntary return or even forced return are options, they will often not be desirable or even feasible. I am concerned that, in a period in which many countries are implementing increasingly restrictive border management measures and may see returns as a deterrent to irregular migration, authorities risk breaching their basic human rights obligations. Return efforts are expensive, difficult to effectively implement and problematic to carry out at scale in accordance with human rights law. It is not clear that returns have their supposed deterrent effect. The limited data on the effectiveness of return programmes suggest that if they are not coupled with robust reintegration programmes, and where root causes for irregular migration persist, migrants, including those previously returned, will still undertake perilous journeys¹⁹

40. Particularly when irregular migrants have been long established in a country, and follow the law other than with regard to their status, alternative avenues to return are vastly preferable. There is no one-size-fits-all approach. As I have noted, there is a spectrum of options for addressing irregular migrants, and Member States must decide which are best suited to their circumstances. This spectrum includes, but is not limited to: (a) facilitating access to health, education, housing and other services on a non-discriminatory basis, regardless of nationality; (b) issuing temporary stay permits for work, study or humanitarian purposes; (c) offering permanent residency; or (d) creating pathways to citizenship.

41. Such policies are sometimes controversial, but they are grounded in sound public policy regarding public health and education, among other issues, and ultimately foster social inclusion and the advancement of the rule of law. Member States must calibrate their policy choices in the light of national legal traditions, labour market issues and local considerations. Nonetheless, some degree of regularization is virtually always preferable to a situation in which irregular migrants are marginalized and authorities cannot account for them.

C. Cooperative security arrangements for well managed migration

42. While emphasizing migration's benefits, we must recognize that it is inextricably tied to the legitimate concern of States over: (a) control of access to their territory; and (b) regulating behaviour within their borders. Travellers of all types accept the need to submit to border checks and visa regimes regarding their identity and the purpose of their travel. While most of this procedure is administratively routine, part of it engages the State security apparatus more directly. Properly understood, security involves three interrelated dimensions: State security, public safety, and human security. With regard to migration, all three dimensions are engaged.

43. It is profoundly misguided, however, to treat migration itself as a threat. I am concerned that we have seen an increase in short-term and reactive security approaches to migration, such as setting up systems to detain migrants in transit

¹⁹ World Bank Group, Global Partnership on Migration and Development, "Migration and Remittances: Recent Developments and Outlook: Special Topic: Return Migration", Migration and Development Brief 28, October 2017, chap. 3, p. 15 (<http://www.knomad.org/publication/migration-and-development-brief-28>)

countries, that are: (a) ill-advised and unsustainable; (b) put the safety of migrants in peril; and (c) risk being counter-productive on their own terms.

44. Another symptom of this disturbing trend has been increased recourse to administrative detention of migrants as a measure with deterrent intent.²⁰ This is often undertaken without adequate guarantees and at the expense of less coercive measures, resulting in migrants, including children, being exposed to arbitrary and punitive measures. Migrants in detention can be exposed to overcrowding, poor sanitary facilities and violence. They frequently lack access to medical care, information or legal aid. I naturally share the expression of concern contained in the New York Declaration for Refugees and Migrants about the detention of children.²¹ Even if this is only for short periods of time, it has grave and lasting effects on a child's mental health and development, and always contravenes the principle of the best interest of the child.²² For adults, while detention for a brief period in the course of proceedings for the control of immigration may sometimes be justified, it should only be undertaken when necessary and proportionate in the light of individual circumstances.

45. State and public security considerations have not, in fact, featured prominently in the wide-ranging consultation process in the preparation phase of the global compact. Instead, there has been an emphasis on the need to assist "migrants in vulnerable situations", for example, those who have faced sexual and gender-based violence, abuse and exploitation, hunger and a lack of personal security during the migratory process.²³ Thousands of migrants disappear while in transit every year. Appropriately, consultations on human trafficking and smuggling have highlighted the human security aspect of the issues in particular, encouraging States to focus on the plight of victims, as well as increasing their cooperative law enforcement arrangements.

46. The global compact should reinforce international cooperation on security aspects of migration such as compatible border control mechanisms, including the standardization of identification documents, shared intelligence and related policies. Second, security will be enhanced by policies that foster inclusion, respect for human rights and the rule of law. Recourse to repressive policies that validate unfounded suspicions of foreigners, such as racial, religious or ethnic profiling, do nothing to promote the objective of safe and orderly migration. Rather, they increase the vulnerabilities of all migrants and poison public opinion against the beneficial aspects of migration, rendering its management unnecessarily difficult.

IV. The challenge of large movements of people

47. Even though most migrants travel in a safe and orderly fashion, a series of large movements of people in different parts of the world, involving both refugees and

²⁰ See A/HRC/35/25, report of the Special Rapporteur of the Human Rights Council on the human rights of migrants on a 2035 agenda for facilitating human mobility.

²¹ Resolution 71/1, para. 33, in which Member States "recognizing that detention for the purposes of determining migration status is seldom, if ever, in the best interest of the child", stated that they would "use it only as a measure of last resort, in the least restrictive setting, for the shortest possible period of time, under conditions that respect their human rights and in a manner that takes into account, as a primary consideration, the best interest of the child", and that they would "work towards the ending of this practice".

²² Committee on the Rights of the Child, report of the 2012 Day of General Discussion: "The rights of all children in the context of international migration" (<http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf>), para. 78.

²³ See Human Rights Council resolution 35/17 on the protection of the human rights of migrants: the global compact for safe, orderly and regular migration.

migrants in vulnerable situations, have severely tested our collective response capacities. We have seen migrants in desperate situations, who are ineligible for international refugee protection, yet who are particularly at risk. As of 4 December 2017, 5,136 migrants have died in the course of the year. Since 2014, 22,432 migrants have died worldwide.²⁴ Female migrants in these situations face high risks of exploitation and gender-based violence. Children, notably those travelling alone, are particularly at risk. Today, many migrants are trapped in transit countries that lack the capacity to care for them, forced to either subsist in detention centres and camps or to look for illicit means to move elsewhere. While in transit, including when detained, migrants are exposed to a range of human rights violations and abuses, including physical and sexual violence, exploitation, abduction and extortion. This situation is intolerable, and it can contribute to instability in the areas where they are trapped.

48. These large, unsafe and disorderly movements of migrants present Member States, and the United Nations system, with a set of policy problems distinct from those associated with most regular and irregular migration. Many of the elements of the immediate operational response to large movements of migrants are similar to those applied in responding to refugee movements: and precisely because recent large movements of people have included both refugees and migrants, this has been the reality on the ground. However, whereas there is consensus on our obligations to refugees, a corresponding framework does not exist for migrants in these desperate situations.

49. I applaud the call in the New York Declaration for Refugees and Migrants for “non-binding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations”, and endorse its praise for those countries that offer migrants who do not qualify for refugee status temporary protection from return owing to conditions in their home countries.²⁵ I also welcome efforts, such as the Nansen Initiative on disaster-induced cross-border displacement to lay down guidelines for assisting those forced to flee natural disasters, and the Migrants in Countries in Crisis initiative to develop voluntary and non-binding principles, guidelines and practices for assisting migrants in countries enduring conflict or natural disaster.²⁶ The United Nations Global Migration Group has also done valuable work on these issues at the request of the Human Rights Council,²⁷ but we have much more to do to address this issue.

50. Without seeking to create new legal categories or to expand on the unique forms of international protection provided in the refugee framework, we must design an adequate response to the needs of migrants in large movements — one that will involve not only principles and guidelines but also concrete actions to support them.

²⁴ See Missing Migrants Project (<http://missingmigrants.iom.int/>).

²⁵ See resolution 71/1, para. 52, in which Member States committed to “consider developing non-binding guiding principles and voluntary guidelines, consistent with international law, on the treatment of migrants in vulnerable situations, especially unaccompanied and separated children who do not qualify for international protection as refugees and who may need assistance”, and para. 53, in which Member States welcomed “the willingness of some States to provide temporary protection against return to migrants who do not qualify for refugee status and who are unable to return home owing to conditions in their countries”.

²⁶ See the Nansen Initiative, “Agenda for the protection of cross-border displaced persons in the context of disasters and climate change”, vol. I (<https://nanseninitiative.org/wp-content/uploads/2015/02/PROTECTION-AGENDA-VOLUME-1.pdf>); see also Migrants in Countries in Crisis Initiative (<https://micicinitiative.iom.int>).

²⁷ See Human Rights Council resolution 35/17 on protection of the human rights of migrants: the global compact for safe, orderly and regular migration; see also Global Migration Group Working Group on Human Rights and Gender Equality, “Principles and guidelines on human rights protection of migrants in vulnerable situations within large and/or mixed movements” (<http://www.ohchr.org/EN/Issues/Migration/Pages/Draftsforcomments.aspx>).

51. This is made even more imperative by the likely effects of climate change on population movements. A forward-looking compact on migration, as well as a compact on refugees, must respond to the reality that climate change is likely to exacerbate economic, environmental and social pressures to migrate over the next few decades. It is also possible to foresee that other factors may increase the numbers of migrants in vulnerable situations in the years ahead. Individuals or whole populations may find themselves confronted with extreme deprivation, food scarcity, the onset of epidemics or the reality or threat of instability, forcing them to move, often without sufficient resources, knowledge or plans for the future.

52. Bolstering resilience in the face of climate risks, the ability to withstand disruptions that pose barriers to human safety and health, livelihoods and food security, is a key step towards ensuring that migration remains a matter of choice rather than of necessity. We must also reinforce our common commitment to preventive action to address and avert those factors that may lead to forced migration in future. But while building our preventive capacities, we must agree on a robust cooperative framework for protecting and assisting migrants in vulnerable situations now.

53. In time, an expansion of legal protections to deal with the many aspects of forced migration may become feasible. In the short to medium-term, however, I believe that Member States can fulfil their duty of care to migrants in vulnerable situations through a multilayered strategy involving both humanitarian tools and options for stay or alternatives in other countries. As I argue in the next section of the report, such a strategy could be one centrepiece of the global compact for safe, orderly and regular migration, carefully designed to complement the global compact on refugees.

V. The era of implementation

54. The global compact will be judged on whether it succeeds in catalysing concrete actions by Member States, subnational authorities, non-State actors and the United Nations system. Rapid, substantive and coordinated efforts to reinforce safe, orderly and regular migration will reassure members of the public in all Member States that together we can shape the issue, not just react to events. Real steps to make migration work for all will reaffirm our commitments to human rights and dignity, countering tendencies towards xenophobia, while strengthening State, public and human security. Coordinated action by Member States on specific challenges will build trust and spur on the development of further cooperation to manage migration.

55. Early implementation of specific commitments with clearly defined road maps is, therefore, essential to demonstrate steadfastness to the spirit of the New York Declaration for Refugees and Migrants. On the eve of the negotiations on the global compact, I wish to make a general set of suggestions to Member States on how to frame the global compact, and more specific suggestions for a strategy to address large movements of people.

A. Framing the global compact

56. Previous United Nations declarations and agreements on migration have often been framed around general and thematic commitments.²⁸ I believe that the global compact can best complement that approach through being structured around actions

²⁸ The 2013 High-level dialogue on International Migration and Development; the United Nations Framework Convention on Climate Change; the Sendai Framework for Disaster Risk Reduction 2015–2030; the New Urban Agenda; the 2030 Agenda for Sustainable Development; the New York Declaration for Refugees and Migrants; and, above all, the Sustainable Development Goals.

at the subnational, national, regional and global levels to implement existing commitments and principles.

57. The following paragraphs offer illustrative and far from exhaustive examples of these types of action. In addition to these categories of action, Member States should make a standalone commitment to promote gender equality and the empowerment of women and girls as a central element of the global compact, in line with Sustainable Development Goal 5. It is crucial that policymakers dealing with migration at all levels consistently prioritize the need to work in a gender-responsive manner, and that they set aside sufficient resources to address gender issues.

58. The global compact should emphasize the importance of subnational policies in addressing migrants. Local authorities have responsibility for day-to-day service provision to migrants and their host communities. Businesses and trade unions shape the economic conditions for migrant workers to contribute their labour. Cities, communities and non-governmental actors are doing excellent work with and for migrants in schools, workplaces and in the course of their daily lives. Community engagement is the best method to prevent xenophobia and false narratives about the impact of migrants. The global compact should encourage and support subnational efforts of this type, and also address strategies and resources that cities and communities undergoing rapid urbanization may require to offer support migrants and their communities.

59. At the national level, I call upon Member States to prepare detailed national action plans to advance a whole-of-government approach that seek to address the development, security and human rights dimensions of migration. They should also consider including migration in existing national and subnational strategies on development, health, education, housing, employment, social inclusion and social protection and as part of their response to the adoption of the Sustainable Development Goals. Where appropriate, plans should identify capacity-building and technical assistance needs. Member States should also focus on alternatives to detention for migrants and, in particular, ending the detention of child migrants. Given that the global compact is an agreement among Member States, its credibility will rest on well-defined national commitments.

60. I also urge Member States to consider policies to regulate cross-border recruitment practices to ensure that migrants do not bear unsustainable costs in their search for work. The International Labour Organization (ILO) has already stated that private employment agencies should not charge recruitment fees and costs to workers, including migrants.²⁹ National policies to regulate recruitment should be linked to bilateral migration agreements and efforts to harmonize regulatory frameworks in order to ensure that migrants are not burdened with disastrous debts.

61. At the regional/subregional level, States should continue building cooperation through regional frameworks for managing migration. The regional commissions of the United Nations, regional consultative processes and regional economic organizations or groupings, which may inadvertently duplicate each other's activities, should develop coordinated plans for dealing with migration issues with priorities and regular reviews to measure progress. Priorities could include developing multi-State agreements on legal pathways for migration, including free movement agreements, where appropriate, fair and dignified return and readmission agreements, portability of social security entitlements and benefits, effective skills and qualification recognition and improved skills matching.

²⁹ ILO, *General principles and operational guidelines for fair recruitment*, International Labour Office, Geneva, 2016

62. Where existing regional frameworks are insufficient, or migration issues extend between different regions, I encourage States to come together in smaller groups around specific initiatives to advance immediate progress on discrete issues of mutual interest, as well as to leave space open for the development of more ambitious goals in the future. A number of interregional bodies already exist as models for others to learn from. I encourage Member States to call on all United Nations entities for assistance in their cooperative efforts, as needed.³⁰ I will also ensure that the role of the Organization on migration at the regional level is fully integrated into the repositioning of the United Nations development system.

63. At the global level, the global compact should provide a framework for Member States to commit to an overall policy of increasing fair and accessible legal access by migrants at all skills levels to meet labour market needs everywhere, while recognizing other reasons for migration such as family reunification and education. It should also endorse concrete practices to guarantee decent work for migrant workers and encourage regularization initiatives for migrants in irregular situations. It should also bolster cooperation on return and reintegration and call on the United Nations to assist in implementing those efforts. The global compact can further address large-scale initiatives, such as the universal standardization of identification documents and mechanisms for sharing biometric data. I call on Member States to consider options for creating skills partnerships (as described at para. 27 above) as an innovative new mechanism for sharing the benefits of migration. Global discussions on achieving the Sustainable Development Goals, upholding human rights and international law and preventing crises must guide our more specific approaches.

64. One area where there is a clear interest in early action on the part of Member States is improving the quantity and quality of data on migration. The General Assembly has frequently called for reliable, disaggregated data by sex, age and migratory status and for internationally comparable indicators to support evidence-based policymaking, a call repeated in the 2030 Agenda for Sustainable Development.³¹ This will require investment in collection and analysis by Member States, in line with existing global guidelines on migration statistics, which the United Nations can support. Countries should include migration-relevant questions in population censuses, including not only questions of country of birth or citizenship but also dates or years of arrival and motivation to move. This would allow for an estimation of recent movements and the drivers of migration.

65. Implementing the global compact will have financial consequences for Member States. The funds available for dealing with migration-related issues have sometimes been limited, and donors should look favourably on requests from other Member States and relevant stakeholders for concrete support to fulfil the global compact. I stand ready to support Member States in this regard.³²

66. At all levels, different stakeholders, including civil society, the private sector, academia, the media and others, must be brought together to identify innovative ways to respond to the global compact and to collaborate on its implementation.

³⁰ These include the IOM Regional Consultative Processes on Migration, the IOM Inter-Regional Forums on Migration and the International Labour Conference

³¹ See, for example, the Declaration of the High-level Dialogue on International Migration and Development (resolution 68/4); the 2030 Agenda for Sustainable Development (resolution 70/1), and the most recent resolution on international migration and development (resolution 71/237)

³² See A/71/728, the report of the Special Representative of the Secretary-General for International Migration

B. A strategy for large movements of migrants

67. In addition to the range of commitments outlined above, I believe that there is an urgent need for Member States to lay out a strategy for dealing with large movements of migrants. There are obvious overlaps between this challenge and the issues for the global compact on refugees, which we must address with care. I believe that Member States should outline, and make specific commitments to support, a strategy on migrants in vulnerable situations, with three main elements:

(a) A humanitarian and human rights-based approach to assisting large movements of migrants, building on and reinforcing existing humanitarian mechanisms, in order to reduce the immediate suffering of those in precarious situations — simply put, saving lives must at all times be a non-negotiable priority;

(b) Mechanisms and resources to ensure that, after an immediate humanitarian response, the status of migrants in vulnerable situations can be determined individually, fairly and reliably without infringing on proper processes, in compliance with international human rights law and the refugee legal framework, including the principle of non-refoulement;

(c) More credible pathways for migrants who do not qualify for international refugee protection but face insurmountable obstacles to return. This is the only option for those individuals who cannot simply be left to linger in transit countries indefinitely. Instead, Member States should work together to offer to these persons temporary or long-term options for entry and stay. I believe that this must be a global effort, as Member States ready to accommodate migrants in vulnerable situations will often be in different regions.

68. This three-part strategy would: (a) reduce immediate suffering and deaths; (b) reduce uncertainties about the status of migrants in vulnerable situations; (c) reassure the members of the public in Member States that their Governments have decisive responses to these events; and (d) prevent these migrants from becoming permanently stranded. It should not be viewed as an encouragement to irregular migrants to undertake perilous journeys in the expectations of ultimately positive outcomes. Large movements of migrants are triggered by environmental, social and other pressures that make people take desperate measures — not by the nature of the global response.

VI. The global compact and the United Nations

69. The global compact is an opportunity not only for Member States but also for the United Nations system to adopt a more ambitious approach to managing migration. In this section I set out my intention to hold intensive consultations on the approach of the United Nations system to migration through 2018, and discuss oversight of the Organization's activities in this field by the Member States. I also make suggestions concerning follow-up mechanisms for the global compact to ensure its implementation.

A. Preparing the United Nations for a new approach to migration

70. In contrast to refugees, there is still no centralized capacity in the United Nations to deal with migration. The Organization's approach to the issue, unlike its approach to the treatment of refugees, is fragmented. My predecessors, supported by the pioneering work of former Special Representative for International Migration, Peter Sutherland, made concerted efforts to improve this situation.³⁰ It is now time to draw

together all parts of the United Nations system, including IOM, to support the efforts of Member States to address migration. I want to see the United Nations, in line with my existing reform proposals in other fields, act as a source of ideas and policy guidance, as well as a convener, for the implementation of the New York Declaration for Refugees and Migrants and the global compact to be adopted in 2018

71. For the past 11 years, the Global Migration Group has grown into include 22 United Nations entities, with varying degrees of engagement on migration issues, but all committed to furthering the Organization's support in addressing the challenges raised by this phenomenon. In my report on the follow-up to and review of the commitments of the New York Declaration (A/71/978), I outlined the types and breadth of migration-related activities that the United Nations system was engaged with. This is an impressive body of work, but it is legitimate to ask whether the Global Migration Group, as currently set up, is best equipped to develop the type of coherent, ground-up approach that I believe the Member States will want in supporting their efforts to deliver on the global compact.

72. In the New York Declaration, adopted at the high-level plenary meeting of the General Assembly on addressing large movements of refugees and migrants, held in September 2016, Member States welcomed the agreement to bring IOM into the United Nations system as a "related organization", acknowledging its role as the global lead agency in the field of migration.³³ There is now an opportunity to develop this relationship further and to better integrate the competences of IOM into the broader United Nations system so as to support the efforts of Member States on migration-related issues.

73. While Member States work on defining the global compact, I will work to strengthen the way we work on the migration issue. This could include designating IOM as the agency with responsibility for coordinating and leading the Organization's overall engagement on the issue. In my view, this will be best achieved if, in time, IOM is brought more fully into the United Nations system as a specialized agency, properly equipped for that role. Although this change would be subject to a decision by the Member States, I believe it deserves their serious consideration.

74. More immediately, regardless of discussions on the future status of IOM, I will initiate internal consultations on how best to configure the United Nations system, including IOM, to coordinate the actions of the Organization on migration. I am determined to ensure that the system is fully positioned to respond promptly and effectively in supporting implementation of the global compact, once it is adopted. In conducting these consultations within the system, I will place a premium on drawing on existing expertise, ensuring operational deliverables in response to the needs of the Member States and ensuring efficiency. I will also consider how migration is addressed by the recently renewed United Nations Development Group. The outcomes from these consultations will have to be fully consistent with my development and management reform initiatives and be aligned with our work on the Sustainable Development Goals.

75. In line with my proposals for reform of the United Nations development system, I will insist that we make facilitating delivery on the ground the litmus test of our efforts.³⁴ In the development context, migration is already fully integrated into the Sustainable Development Goals. My colleagues and I at the United Nations will need to explore how members of the United Nations family can jointly offer tailored

³³ See resolution 71/1, para. 49

³⁴ See A/72/124-E/2018/3, report of the Secretary-General on repositioning the United Nations development system to deliver on the 2030 Agenda ensuring a better future for all

assistance to all Member States on migration issues, including through the United Nations country teams.

76. We should also assess the performance of the United Nations in engaging in regional migration policies, and aim to minimize duplications between the work of the regional commissions and other entities. We should encourage cooperation between the United Nations and regional and subregional organizations or groups of States and look for ways to strengthen those relationships.

B. Member State oversight

77. Any effort to rethink how the United Nations delivers on the ground will also raise questions about potential reforms to intergovernmental mechanisms for overseeing our collective work on migration related issues. The current intergovernmental architecture for discussing migration is fragmented; the global compact offers an opportunity for Member States to address global governance issues.

78. There are a number of forums in which Member States already address migration, both inside and outside the United Nations. Principal among these are: the High-level Dialogue on International Migration and Development; the Second and Third Committees of the General Assembly; the Economic and Social Council and, under it, the Commission on Population and Development and other relevant commissions; the high-level political forum on sustainable development; and the Human Rights Council. In addition, there are the migration-relevant discussions of the governing bodies of many United Nations agencies, funds and programmes, alongside the governing body of IOM.

79. Finally, there is the Global Forum on Migration and Development, a widely recognized gathering of States and other stakeholders independent of, but closely aligned with, the United Nations. The Global Forum was launched at the 2006 High-level Dialogue on Migration and Development to create an intergovernmental platform for constructive dialogue. The Forum has created a better common understanding of contested aspects of migration that are at the centre of our debates, built trust between participating Member States and developed ideas and data that the global compact can now build upon.

80. However, no single forum exists through which Member States can guide the direction of the work of the United Nations on migration and oversee the commitments made in the global compact. I call on Member States to consider how best they can configure themselves to support the rollout of the global compact and ensure its effective implementation, with the support of the United Nations system. Specifically, I urge that consideration be given to exploring the possibility of rationalizing some of the current oversight mechanisms, with a view to maximizing clarity over both governance and policy guidance on this issue.

C. Follow-up to the global compact

81. I endorse the call, in the New York Declaration, for systematic follow-up and review of the commitments of Member States on migration. As emphasized in this report, the landscape of global migration is likely to evolve considerably over time. We cannot assume that the best mechanisms we put in place in 2018 will necessarily remain optimal 5, 10 or 20 years from now.

82. Migrants and other stakeholders should be associated with the implementation, follow-up and review of the global compact and encouraged to make pledges to act towards its fulfilment, in cooperation with States or working with one another. To

encourage such action, the follow-up and review mechanisms should allow the participation and contribution of migrants and other stakeholders in the development of policies, norms and practice.

83. In this context, I propose that Member States should review progress on the global compact through two tiers of activity:

(a) A periodic high-level review conference after the convening of the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration in Morocco in December 2018, to focus on new strategic requirements and directions for managing evolving dynamics in migration, as well as thematic discussions on opportunities and obstacles to maximizing the benefits of migration for all. The High-level Dialogue on International Migration and Development could possibly be repurposed to that end on a five-yearly basis, and expanded beyond its developmental scope to consider all elements of migration as articulated in the global compact and the New York Declaration;

(b) Member States should also consider other existing annual forums at which they can exchange of best practices on migration policies and should include regular voluntary reports on the implementation of their commitments relating to the global compact. Wherever possible, Member States should aim to link such processes to the follow-up mechanisms for the 2030 Agenda in order to emphasize the positive links between development and migration. I stand ready to assist Member States in developing more specific proposals in this regard.

VII. Conclusion

84. I wish to express my gratitude to all Member States, entities of the United Nations system and other stakeholders that have contributed to the consultation phase of the global compact process.³⁵ I would like to extend particular thanks to IOM for the close support it has extended to these efforts, and pay tribute to the work of the co-facilitators appointed to lead the global compact process. I also wish to thank my Special Representative for International Migration for her leadership and strong contribution to the process thus far. I welcome the decision of the General Assembly that the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration will take place in Morocco in December 2018.

85. Negotiations on the global compact will doubtless involve many technical discussions and difficult debates, but we must not lose sight of the reality that migration is both a positive dynamic, and one that has always been with us and one that is here to stay. It is our responsibility to ensure that popular perception of migration is better aligned with that positive reality. To do this, we must rededicate ourselves to our common commitment to make migration work for all. This is a political necessity, an economic imperative and a matter of universal human rights.

86. At the political level, as emphasized in this report, Member States need to renew a sense of mutual trust regarding the management of migration, and convince the members of the public that Governments can handle this issue responsibly and effectively and that migration presents more of an opportunity than a challenge for all. The alternative is more distrust and discrimination towards migrants, more xenophobia and more failures to handle large mixed movements of migrants and refugees. This is an unacceptable scenario and one that we must strive to prevent.

³⁵ The text of most of the submissions received are available at <http://refugeesmigrants.un.org/SGReport>.

87. At the economic and social level, we must constantly return to the Sustainable Development Goals and remind ourselves of the links between migration and our broader fight against inequality. Well-managed migration can help us reverse both inequality within States, by fuelling overall economic growth, and narrow inequalities between States, through remittances and promoting skills and ideas. We will not achieve our overall commitment to leaving no one behind if we do not address persistent economic disparities between Member States. Migration offers a positive, mutually beneficial means to do just that, as long as we implement policies to maximize its benefits.

88. Yet this is not solely a matter of States, but of peoples. The Universal Declaration of Human Rights reminds us that "all human beings are born free and equal in dignity and rights". Today, one of the single most fundamental determinants of the capacity of individuals to realize their full potential and rights is their place of birth. Some are born into opportunity and others into deprivation. Migration, properly managed, is a route for individuals to make the most of their lives, and achieve the dignity that our predecessors enshrined in the Universal Declaration. Their quest for equality is a legitimate one. The global compact should ensure that they can pursue it in a safe, orderly and regular manner.



REPUBLIC OF KENYA

NATIONAL POSITION

ON THE

GLOBAL COMPACT ON MIGRATION

2017-2018

UNITED NATIONS HEADQUARTERS

NEW YORK

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Introduction

This position paper was developed following the National Dialogue on the Global Compact on Migration (GCM) held in Nairobi on 17th October, 2017. The National Dialogue was organized by the National Coordination Mechanism on Migration (NCM) and supported by the International Organization for Migration (IOM). It embraced a whole-of-society approach and involved multiple stakeholders, both state and non-state actors.

Migration in Kenya

Migration is usually defined as the movement of persons or group of persons from one geographical unit to another across an administrative or political border, wishing to settle permanently or temporarily in a place other than the place of origin. According to the UN Multilingual Dictionary, Migration is “*a form of geographical mobility or special mobility between one geographical unit and another or a change in residence from the place of origin or the place of departure to the place of destination or place of arrival*”. Together with birth (fertility) and death (mortality), migration forms a third fundamental yet an ignored element in determining population growth and structure.

Migration governance in Kenya is guided by the following four policy documents:

- Kenya Vision 2030, which is the Government of Kenya’s national planning strategy, and is implemented through a series of five-year Medium Term Plans. The overall vision of Kenya 2030 is to “*transport Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by the year 2030*” through three pillars: economic, social, and political. Minor references are made to migration in Vision 2030, but it does not adequately mainstream migration as a potential contributor to national development.
- The Draft National Migration Policy.
- The Draft National Labour Migration Policy.
- The National Diaspora Policy, which was launched in early 2015, and aims to, inter alia: mainstream diaspora into national plans; provide opportunities for Kenyans in the diaspora to contribute to national development; safeguard the basic rights and living standards of the diaspora, and establish the necessary institutions for the coordination and administration of Diaspora issues.

The Kenya national position on the GCM addresses the six (6) thematic areas as follows:

I. Human rights of all migrants.

The Constitution of Kenya, 2010 provides the legal foundation for application of the Human Rights Based Approach in migration governance in Kenya.

The Preamble expresses commitment to nurturing and protecting the well-being of the individual, the family, communities and the nation. Articles 2 and 20 (1) provide that the Constitution is the supreme law. The Bill of Rights applies to all laws. Article 2 (6) indicates that the General rules of international law form part of the laws of Kenya. Article 3 expresses the obligation of every person to respect, uphold and defend the Constitution. Article 10 (2) highlights the national values and principles of governance including, the rule of law, human dignity, social justice, human rights, non-discrimination, protection of marginalized, good governance, integrity and sustainable development. Article 19 explains that the Bill of Rights is integral to a democratic state and framework for social, economic and cultural policies.

Recognition and promotion of human rights as anchored in the Constitution of Kenya, 2010 seeks to promote social justice as well as ensuring the realization of the potential of all human beings. It also seeks to promote the values of an open and democratic state based on human dignity, equality, equity and freedom.

The Global Compact should therefore include the following;

- ❖ Respect international norms with emphasis on migrants rights
- ❖ Respect international norms with emphasis on migrant rights
- ❖ Fight against racism and xenophobia and the need to ensure the respect and dignity and the protection of the rights to which migrants are entitled under the applicable international law especially the right to equal treatment based on the principles of non-discrimination.

- ❖ Ensure policy and legislation frameworks provide comprehensive protection for vulnerable migrants without exceptions and avoid the practice of detention in favour of reception centers for migrants.
- ❖ Ensure the inclusion of migrants in the host countries internal identification and documentation systems to increase their recognition and provide access to basic services.
- ❖ Carry out capacity building training programs to judicial and law enforcement officials on human rights and protection of migrants to identify victims of trafficking and put referral systems in place.
- ❖ Include the need to address protection of rights of migrants in transit especially where in countries of crisis, where there is no functioning government.
- ❖ Include a clause on the need for capacity building for government officials on migrant rights protection.
- ❖ The need to address the negative media narrative that is biased and is against migrants and lead to negative treatment and criminalization of migrants.
- ❖ The need to address specifically gender perspective of migration especially the treatment of domestic workers.
- ❖ Stress the need to push for the commitment of member states to ratify and implement the regional and continental legal frameworks on protection of migrants.
- ❖ Include the need to address special rights of circular migrants in border communities.

II. Addressing drivers of migration.

The factors that lead people to migrate, voluntarily or involuntarily, permanently or temporarily, and that perpetuate movement once it has begun, are commonly referred to as “**drivers**” of migration. How drivers interact in different dimensions (scale, location, distance and duration) affects how

governments and the international community can respond in order to effectively protect migrants, govern migration and harness its benefits.

Economic and Demographic Drivers

- Disequilibrium in economic opportunities, poverty, food insecurity are prime influencers in the migration decision-making process and inter-act to greater or lesser degrees, depending on the specific context, to drive migration.
- In Kenya, lack of employment and livelihood opportunities; lack of access to fundamental human rights and basic services; poor/inadequate governance and security wage differentials, and aspirations propel young people away from home in search of employment and income opportunities.
- Demographic change is closely related to economic opportunity, and also serves to drive migration.

Environmental drivers

- The relationship between the environment, climate change and migration is equally complex in Kenya. Environmental factors, including those related to climate change and natural disasters, directly and indirectly impact the resilience and vulnerability of individuals, households and communities, and may lead to migration.
- How climate change drives migration depends heavily on its interaction with other factors, including the perception of risk by affected communities, and varies among and within communities. Most people displaced by disasters in Kenya remain within her boundaries but cross-border disaster displacement also occurs due to drought, floods, storms, as well as non-climate related disasters (e.g earthquakes and nuclear disasters).
- Due to climate variability in Kenya, displacement in the context of natural disasters is a common feature. The two types of natural disaster triggering the majority of displaced people are floods and droughts.

Human – made crises

- Human-made crises, are today among the primary root causes of refugee flows in Kenya and have an important impact on population movements more generally.
- The lack of respect for international human rights and humanitarian law has compounded growing displacement of many as a consequence of their deteriorating living conditions
- Negative socio-economic impacts of war, and its legacies or permanent unrest may drive migration through negative impacts on labour markets, livelihoods, food and health security, social service delivery and through political instability and social tensions (including the psychological pressure on people living near conflict situations) and the growth of criminal networks.

The global compact should therefore strive to achieve the following;

- ❖ Invest in the elements of the Sustainable Development Goals that drive people to migrate and impede their ability to live and work safe and lead productive lives at home, including poverty alleviation, conflict prevention and reduction.
- ❖ Create inclusive societies with effective, accountable and inclusive institutions that provide access to justice for all, enjoyment of human rights protection, including access to social protection, quality education, health care and decent work, amongst others.
- ❖ At the regional level, states must provide more effective governance of labour markets in the form of harmonized labour policies, strengthened human rights protection for all migrant workers without discrimination (especially women migrant workers), and coordinated implementation of International Health Regulations (IHR) and social security coverage (for example through the coordination of national social security administrations, including portability)

- ❖ Promote the conclusion and application of bilateral and multilateral coordination frameworks and agreements aimed at ensuring organization of migration for employment and coordination and portability of social security rights and benefits.
- ❖ Adopt a comprehensive approach in the review of the migration-related aspects of the 2030 Agenda for Sustainable Development to ensure coherence.
- ❖ Introduce incentives to retain high skilled professionals, such as in the health and education sectors, to enable them to stay in their country of origin or return.
- ❖ Dedicate investments to addressing the drivers of migration in sectoral programmes and local development initiatives, including through programmes for youth job creation and skill development.
- ❖ Encourage the establishment of national ministries of diaspora to strengthen engagement with diaspora organizations to invest in local economic opportunities and enterprises in countries of origin, including on disaster recovery and risk reduction as well as climate change adaptation.
- ❖ Reduce adverse drivers of irregular migration, through conflict prevention by:
 - early action to address the political differences that lead to or perpetuate violent conflict;
 - ensure that no one is left behind, including in peace agreements, development programmes and humanitarian assistance so as to avoid further instability and violence;
 - ensure the sustainability of peace through strengthening democracy and the rule of law, through building stronger, more resilient, accountable state institution with adequate checks and balances promoting the rule of law, and by working to establish effective democratic control over the armed forces.

III. International cooperation and governance of migration in all dimensions.

Migration Governance in Kenya is coordinated through the National Coordination Mechanism on Migration (NCM). The NCM combines key Government of Kenya Ministries, Departments and Agencies with migration related functions at central and devolved levels, and meets regularly to discuss pertinent migration issues.

The principles of the Migration Governance Framework adopted by the NCM include:

- Adherence to international standards and fulfillment of migrants' rights
- Policy formulation using evidence and "whole-of-government" approach
- Engaging with partners to address migration and related issues

The International Organization for Migration (IOM) envisages Migration Governance as premised on the following objectives:

- Advancing the socio-economic well-being of migrants and society
- Effectively addressing the mobility dimensions of crises
- Ensuring that migration takes place in a safe, orderly and dignified manner

On the regional front, Kenya is a partner state of various economic blocks. As a member of the East African Community (EAC), Kenya has ratified the EAC Common Market Protocol (CMP) established in November 2009. The objective of the CMP is to widen and strengthen cooperation among partner states by removing restrictions on the movement of persons, goods, labour, capital and services. It became effective in July 2010 after ratification by all partner states.

Similarly, as a member state of the Inter-Governmental Authority on Development (IGAD), Kenya takes cognizance of, and gives priority to the ongoing regional initiative towards free movement of persons and transhumance in the IGAD region. The aim of this protocol is to enhance regional economic integration and development. It also seeks to improve on the

existing avenues for legal migration and mobility of persons and livestock in the region.

The Global Compact should;

- ❖ Encourage joint border governance and cross border cooperation and commit to building the capabilities of Member States to that end.
- ❖ While acknowledging the security concerns of Member States, call for proper recognition of the potential benefits of migration and legitimate migration flows.
- ❖ Support sustainable return, resettlement, re-integration initiatives including resource allocation and condemn forced returns.
- ❖ Support migration governance capacity building initiatives in African countries including the development of comprehensive national migration policies.
- ❖ Urge international community to implement the commitments made by the developed countries to support the development efforts of countries of origin and transit and to contribute to the achievement of Sustainable Development Goals (SDGs) and the 2015 Addis Action Agenda on Finance for Development recognizing that such development will contribute to legal, voluntary and orderly migration.
- ❖ Need to create national and regional coordination mechanism on migration while at the same time encouraging existing dialogue processes in order to promote synergies and sharing of best practices in the continent.
- ❖ Need to encourage interconnection of border management systems in order to facilitate smooth movement and identification of false movement documents.
- ❖ Need to recognize regional protocols on movement of persons for integration, development, legal migration and mobility.

IV. Contributions of migrants and diaspora to all dimensions of sustainable development.

The Government of Kenya recognizes the significant contribution of Kenyans living abroad in its National Development. Diaspora Diplomacy is one of the five pillars of Kenya's Foreign Policy. The Diaspora Policy emphasizes the need to mainstream and empower the Kenya Diaspora to participate in the national development agenda.

The contribution of migrants and Diasporas include:

- Financial capital – by sending remittances and investing in Kenya
- Human capital – by transferring knowledge and skills to Kenya
- Social capital – through their transnational networks in their host countries and in Kenya, which enables them to create links for new opportunities and ventures.
- Political capital – by lobbying, advocating and mediating for positive political change

Remittances

In Kenya, remittances are channeled into:

- Productive activities such as businesses, investments, property and real estate
- Savings
- Credit
- Household consumption

Impacts of Remittances

- Economic growth
- Foreign exchange stabilizer
- Social security and support
- Savings and credit

- Business and entrepreneurship

Kenya's Position on Remittances

As in many countries, Kenya's remittances are associated with certain challenges such as:

- High cost of transfers especially intra-African corridors
- Inadequate measurement of data on remittances
- Lack of enabling legal and regulatory policies for a constructive environment for market competition and efficiency
- Lack of leveraging remittances for financial inclusion.

Kenya's Strategy on Remittances

- Implementation of SDG 10.7 on lowering the cost of remittances
- Support the activities of the African Institute for Remittances (AIR)
- Collaborate with partners to address market imperfections
- Sign bilateral agreements on issues such as double taxation, bilateral labour agreements, and retirement benefit schemes

The Global Compact on Migration should include provisions that;

- ❖ Encourage states to work closely with financial institutions to ensure that they come up with incentives to encourage the Diaspora to invest back home through
- ❖ Urge states to develop regional and domestic payment systems to meet the needs of migrants and their families and facilitate international transfers
- ❖ Support pilot programs that link remittances to financial products (housing loans, health insurance, consumer loans, student loans, education funds, pension plans, enterprise loans, indigenous rotating saving scheme)

V. Smuggling of migrants, trafficking in persons and contemporary forms of slavery.

The Department of Children Services, Ministry of East African Community, Labour and Social Protection explains that human trafficking involves the exploitation of men, women or children for the purposes of forced labour or commercial sexual exploitation.

Section 3 of the Counter Trafficking in Persons Act, 2010, defines Trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

According to the Human Trafficking Report Kenya, 2014, forms of trafficking prevalent in Kenya are labour and sex related, standing at 44 per cent and 55 per cent respectively. Trafficking involves children, men and women at 33 per cent, 26 per cent and 41 per cent respectively.

Contemporary forms of exploitation include; debt bondage, exploitation of prostitution, trade in human organs and forced labour.

The Country Migration Profile for Kenya, 2015 indicates that Kenya is a source, transit, and destination country for human trafficking. Two main trafficking routes have been identified: the north-eastern route which transits Garissa on the Kenya-Somalia border; and the western route between Kenya and Uganda at the Busia-Malaba border point. A trend of migration and trafficking from Kenya to the Middle East has been noted, where Kenyans are at risk of exploitation in domestic servitude, massage parlours or brothels, or of being forced into manual labour. Children and girls are particularly vulnerable to trafficking into sex tourism. Human trafficking in Kenya is said to have a value of US\$ 40 million on the black market.

The Legal framework

On 5th January, 2005 Kenya acceded to the United Nations Protocol to Suppress and Punish Trafficking in Persons, especially Women and Children, which is the main global instrument regarding trafficking in persons. Kenya is

also signatory to the United Nations Convention on the Rights of the Child (CWC), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), International Labour Organization (ILO) Conventions 138 and 182 on Minimum Age and Worst Forms of Child Labour, respectively. Others include the East African Community Treaties as well as the recently reviewed UN Plan of Action.

At the national level, the Government is guided by the following legislative framework:

- The Constitution of Kenya, 2010
- The Counter-Trafficking in Persons Act, 2010
- The Children Act, 2001 Victim Protection Act, 2012.
- Witness Protection Act, 2014 .
- The Kenya Citizen and Immigration Act, 2011.
- The Mutual Legal Assistant Act, 2011.
- The National Plan of Action for Combating Human Trafficking 2013-2017.
- National Referral Mechanism Guidelines, 2016.
- The National Plan of Action against Commercial Sexual exploitation of Children 2013-2017
- National Children Policy.
- National Plan of Action for Children in Kenya 2015-2022.

The Global Compact on Migration should therefore;

- ❖ Urge member states to coordinate and share information as well as intelligence to crack down on smuggling and trafficking networks.
- ❖ Support capacity building of judicial and law enforcement agencies, stiffer penalties and improved wages for the dedicated counter-trafficking and smuggling units.

- ❖ Call for reinvigorated campaigns targeting actual behavioral change and countering false narratives of smugglers and traffickers.
- ❖ Establish and strengthen age and gender sensitive protection mechanisms for victims of trafficking.
- ❖ Establish and strengthen the capacity of law enforcement agencies to identify victims of trafficking as well as establish and strengthen referral mechanism (including reception centers) in collaboration with various non-state actors.
- ❖ Enable and invest in community based networks for detecting and reporting trafficking and smuggling networks

VI. Irregular migration and regular pathways.

Kenya has become a hub for irregular migration as a destination, origin and transit country towards South Africa, the Middle East and North Africa, West Africa, Europe and North America.

The Regional Mixed Migration Secretariat reveals that Kenya is a transit country for irregular migrants from neighbouring states who seek to reach destinations in Africa and the Middle East. Kenya provides a direct air route to Europe, indirect air route to African countries and the Middle East and sea route from Asia and towards Europe via West Africa (International Centre for Migration Policy Development, 2008:63-64).

The Global Compact on Migration should therefore;

- ❖ Promote bilateral labour agreements among member states and with countries of the destination aligned to international standards.
- ❖ Creation of decent employment opportunities by reducing existing skills gaps as well as mechanisms for job matching.
- ❖ Ensure labour mobility coherence among Member States of the UN, ratification and domestication of international labour standards.
- ❖ Advocacy campaigns to raise awareness about benefits and opportunities of regular pathways of labour migration.

- ❖ Need to develop a pool of talent to identify skills needed in the continent and further seek to negotiate with the rest of the world on their recognition.
- ❖ Provide necessary funding to promote research in our continent on the skills required and how to get them.

Approved.
BNT
SNA
12/6/18

Hon. Speaker,
approved.
12/6/18

REPUBLIC OF KENYA



TWELFTH PARLIAMENT

(SECOND SESSION)

THE NATIONAL ASSEMBLY

NA.L&P.2018/050

June 12, 2018

PAPERS LAID

Hon. Speaker, I beg to lay the following Paper on the Table of the House, today Tuesday, June 12, 2018: -

The Report of the Kenya's Parliamentary Delegation respecting its participation at the Inter-Parliamentary Union (IPU) Annual Parliamentary Hearings at the United Nations, New York, USA on 22nd – 23rd February, 2018.

(THE HON JUDE NJOMO, MP, LEADER OF THE DELEGATION)