INPUT TO THE UNSG'S REPORT ON THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

International Centre for Migration Policy Development (ICMPD)

1. Structure and elements of a global compact for safe, orderly and regular migration (GCM), including Actionable Commitments

ICMPD holds that the main overarching purpose of the GCM should be to improve global migration governance and support states in achieving this aim – putting forward concrete measures to improve the safety of migrants, ensure their human rights are respected, and promote regular migration channels, while discouraging irregular ones. This should include highlighting concrete ways for UN Member States and other relevant stakeholders to both manage current and potential future migration contexts, as well as to strengthen migrants' contributions to countries of origin, transit and destination.

ICMPD believes that the principles, objectives and targets of the GCM can be organised around 5 main thematic objectives or principles. Within each principle, the GCM can further elaborate specific areas of interest, challenges and opportunities for states and other stakeholders to respond to the objective. Existing programmes of action that have been successful in organising future work and review processes should be taken as a model (e.g. ICPD Programme of Action).

Targets and objectives under these themes should focus on supporting the ratification and implementation of existing international instruments, on implementing concrete and action-oriented policies and measures that support the achievement of these goals, and elimination or revision of policies that have been identified as counter-productive. Where relevant, the GCM should refer to existing guidance and international frameworks (See Annex). Actionable commitments that may be included in the GCM are included within each respective thematic area, below.

1. Fulfill human rights obligations with respect to migrants

Throughout the GCM process, states and non-state stakeholders have emphasised the importance of adopting a human rights-based approach. This objective should be particularly focused on the promotion and protection of human rights, by effectively implementing and upholding the rights enshrined in existing international frameworks.

Within this principle is also enshrined the appropriate linkage with the Global Compact on Refugees. Considering the phenomenon of mixed migration flows, responses to irregular migration flows, and to migration in general, must respect the right of refugees to international protection, as well as provide adequate protection for other migrants in vulnerable situations, including both accompanied and unaccompanied children, victims of trafficking, the elderly, people with a disability, smuggled migrants who have suffered abuses, and those caught in crisis situations, among others.

- Member States should effectively implement and uphold the rights enshrined in international frameworks (on human rights, child rights, women's rights, migrant workers, trafficking, etc);
  - This includes improving the implementation of legal and policy frameworks with regard to better screening and assessing of potential rights to protection. This should improve identification of cases of trafficking and others with protection needs, and the triggering of relevant referral mechanisms, as well as increasing the effective provision of protection services to victims of abuse and migrants in vulnerable situations – including within asylum, migration and humanitarian assistance mechanisms and procedures.
  - Supporting migrants' access to such rights and protection via consular representations, and building the capacities of consular representations to do so, are also critical.
- Member States should seek alternatives to detention, eliminate arbitrary detention and eliminate detention of children. Immigration detention should be an action of last resort, with

alternatives implemented whenever possible (e.g. FRA's [compilation of legal resources](#) and the International Detention Coalition's [guidance](#)).

- Member States should improve migrants' access to justice and effective remedy, by establishing migrant assistance centres or expanding and improving existing processes, and ensuring firewalls are in place for (irregular) migrants to effectively access essential and emergency services and report crimes.

2. Reduce irregular migration and migrant smuggling, and end trafficking in persons

This objective and relevant challenges and opportunities identified by the GCM should focus on an approach that balances security and protection concerns, in order to reduce the scale of irregular migration stocks and flows, and of associated human rights abuses, including the eradication of trafficking in persons. Opportunities included here would cover not only ensuring ratification, implementation and compliance with the UN Convention against Transnational Organized Crime and its Protocols on migrant smuggling and trafficking in persons, but also immigration enforcement activities (border control, assisted voluntary return) aimed at reducing irregular migration flows and policies addressing irregular migratory status, including targeted regularisation programmes.

- Build the capacities of states and other stakeholders to implement appropriate measures aimed at combating irregular migration, as well as monitoring thereof, including on compliance and effectiveness, and on ensuring that potential negative impacts are avoided (e.g. redirecting irregular flows, prosecuting migrants, limiting migrants' access to rights and services, increasing migrants' vulnerability to exploitation or other risks, increasing demand for migrant smuggling services) in order to improve such measures.
- Address the drivers of (irregular) migration, be they economic, demographic or environmental factors, or social and political dynamics, including lack of opportunities and access to services, lack of regular migration channels, lack of refugee resettlement programmes, poor or ineffective governance, and insecurity, as well as natural disasters, conflicts and forced displacement.
- Ensure that national legislation is in line with the UNTOC (and its SOM and TIP Protocols) and improve the implementation of these frameworks.
- Share data on and support data collection and analysis on (irregular) migration, policies and measures on (irregular) migration, and the drivers of migration by government institutions, NGOs, research institutes and others.
- Adopt preparatory and preventive measures to mitigate displacement as well as irregular migration flows, leverage the agency of people at risk and address vulnerabilities with a focus on local level (incl. through disaster risk reduction and contingency planning).
- Support Integrated Border Management measures as a means to improve coordination among relevant stakeholders at and across the border.

3. Promote regular migration pathways

This objective and its related challenges and opportunities goes hand-in-hand with the previous one, as should also relevant measures, programmes and policies. Improving migrants' access to regular migration pathways, labour rights and labour mobility are subjects to be included here, including as an effective and positive adaptation strategy. Such pathways would be complementary to measures to increase refugee resettlement programmes and other legal pathways for those seeking international protection in the global compact for refugees.

- Improve migrants' access to regular migration pathways, both by opening up such channels and by disseminating information on how migrants can access them, including for work, study, family reunification and international protection.

- Promote the use of migrant resource centres in accessing both information on how and opportunities to migrate legally.
- Cultivate global skills partnerships among countries of origin and destination, through skills matching and skills recognition programmes, as well as targeted training programmes for (potential) migrants based on joint vocational training standards.
- Support regional mobility frameworks, in particular by promoting the implementation of free movement protocols of regional economic communities (e.g. concrete support in harmonising national migration policies, awareness raising campaigns, monitoring frameworks, etc).
- Promote and facilitate migration as an adaptation strategy to climate change and environmental degradation, for example through the adaptation or development of national, bilateral or regional agreements to facilitate temporary, circular or permanent migration in the context of climate change, natural disasters and environmental degradation.
- Develop mobility channels in case of emergencies, including the use of humanitarian visas and temporary protection mechanisms.

4. Promote migrants' contributions in countries of origin, transit and destination

This objective should clarify the aim and relevant measures to ensure the positive contribution of migrants to their communities in countries of origin, transit and destination. This includes measures, programmes and policies to improve social cohesion and inclusion, including integration policies, as well as those to address multiple forms of discrimination faced by migrants and support the impact of migrants on sustainable development.

- Facilitate the collection, compilation and analysis of qualitative and quantitative data, disaggregated by characteristics of the target group and by geographic region, by making statistics available to government institutions, NGOs, research institutes and others for analysis; by including relevant questions in national questionnaires or census data; and/or by facilitating researchers' access to target groups.
  - Analysis should also include approaches to monitor migration and national sentiments towards it, as well as collect information on indicators for integration and social cohesion.
- Dissolve barriers to migrants' contributions to their communities, for example:
  - Improve integration processes in the country/community of residence (transit and destination).
  - Implement preventative measures against xenophobia and racism, including appropriate punishments for hate crimes, as well as promoting positive narratives of migration.
  - Improve migrants' access to financial information, know-how and capital for diaspora entrepreneurs and investments, including opportunities for migrants with low incomes.
  - Reduce migrants' barriers to banking systems and financial transfer services, through better regulatory frameworks and technical solutions, to support remittance transfers.
  - Consider involvement of diasporas in policy development processes and political participation in country of origin parliaments, with either real or honorary seats allocated for diaspora communities.
- Empower migrants to engage as actors in their own right, through institutional and/or financial support to migrants and diaspora organisations and platforms and by establishing government institutions or focal points on diaspora issues in countries of origin.
- Strengthening the role and support offered by embassies and consulates when possible, and consider alternative means to support nationals abroad when capacities are limited, through for example "mobile counselling" or collective consular services.
- Develop inclusive diaspora policies and nuanced approaches that cater to and recognise the diverse and heterogeneous nature of the diaspora, their vulnerabilities, needs and potentials.

- Reduce the potential negative impacts of return (including crisis-induced return) by supporting short and long-term reintegration support (e.g. financial support, development of training programmes and support for development of SMEs, psycho-social health care).
- Support programmes and activities that promote inter-cultural dialogue and a balanced narrative on migration through shared public spaces, knowledge platforms (e.g. Interactive Map on Migration (i-Map)), and positive reinforcement (e.g. Migration Media Award).
- Support civil society organisations, including migrant associations (at the local, national and international level), who identify and address gaps and needs, including increasing service take-up among migrants and combatting prejudices.

5. Promote cooperation and partnership

Throughout the GCM process, states and other stakeholders have reiterated the importance of cooperation and partnerships to respond to the needs of migrants and migration governance. This covers levels from macro to micro: international, regional, national, sub-regional, and local. Moreover, multi-stakeholder responses should be promoted – in particular the key role civil society does and should play. Existing dialogues and processes have been important for improving cooperation on key issues, and the GCM should rely on these established mechanisms to build upon the lessons accrued and the achievements such processes have already made.

- Bolster the institutional and technical capacities of governmental and non-governmental stakeholders involved in developing and implementing migration policy, specifically through targeted capacity building programmes.
- Engage partners across levels (from local to international) and stakeholder groups (migrant and diaspora organisations, civil society organisations, international organisations, etc) in cooperative processes on migration governance.
- Reaffirm and engage in international and multi-stakeholder dialogues and forums (e.g. Bali, Budapest, Khartoum, Prague and Rabat Processes, the Mediterranean Transit Migration dialogue, the Global Forum on Migration and Development), and consider expanding their platform to include capacity building activities and other forms of concrete partnerships, as was done in the GFMD Platform For Partnerships and the Prague Process Targeted Initiative.
- Support regional integration processes and institutions in the development and implementation of regional mobility frameworks and principles, including on free movement, portability of social benefits and right of establishment.
- Ensure inter-institutional cooperation across different administrations and policy areas like security (including crisis response), finance and others that may have detrimental impact on equality of treatment and perception of migrants. This should include guaranteeing the complementarity between the two global compacts, particularly in light of the counterproductive effect that fragmented approaches can have on social cohesion.
- Promote partnerships among and support to (institutionally and through capacity building programmes) government institutions, civil society organisations, and other relevant stakeholders (e.g. local authorities/leaders, consulates, radio stations, etc) to better assist and provide protection to migrants in vulnerable situations, particularly in a crisis situation.
- Support structural frameworks for public-private partnerships.

2. Means of implementation and a framework for the follow-up and review

In terms of both the means of implementation and a framework for follow-up and review of implementation, ICMPD is of the position that – as far as possible – existing channels of implementation, communication and reporting should be utilised, as this would maximise the impact and efficacy of the GCM.

Means of implementation

Policy and technical migration dialogues and programmes at the national and regional level – both those that already exist or new cooperative (global or regional, multi-stakeholder) arrangements around particular issues – should remain the main avenues of implementation. At the same time, there should also be awareness raising efforts and engagement with the public, as well as national and local political representations, to explain and promote the GCM and its implementation.

Regional and sub-regional organisations, as well as the formal and informal regional migration dialogues and frameworks, have the experience and know-how to bridge gaps, to bring together countries with divergent interests and to promote cooperation between stakeholders with at times fundamentally different views and perceptions. Regional migration dialogues and inter-governmental processes should support the implementation of the GCM by taking up specific themes or sub-themes for concrete discussion among participating states, with the view to identify common challenges, good practices and potential solutions, and to include new projects and joint initiatives or to expand on those already piloted, such as in the Prague Process and Rabat Process.

Like-minded states may also convene on the basis of shared interest, cross-regionally, in the context of existing fora (e.g. GFMD), or a topic-based forum (e.g. MICIC Initiative and related consultations, Nansen Initiative, or other topic-focused Task Forces or Working Groups). Furthermore, existing migration dialogues and networks of cities and other sub-regional governments represent important channels for effective awareness-raising and implementation of the GCM. Such frank exchanges on sensitive topics among countries of origin, destination and transit can in the long run lead to shaping a balanced approach, integrating the corresponding needs and interests of relevant stakeholders.

Capacity building programmes facilitate states' actions on pre-identified challenges, using existing expertise and good practices from other states who have already taken action on similar challenges. The MIEUX Initiative provides an excellent model here – matching immediate needs identified by states with peer-to-peer, tailor-made global expertise on migration. Frameworks that have combined dialogue and capacity building would be especially important, as they are particularly poised to move quickly and effectively from consensus to technical support, thus operationalising commitments (e.g. EuroMed Migration; Mediterranean Transit Migration dialogue; MICIC initiative).

Finally, the GCM's implementation should also expand and foster knowledge development and sharing on migration issues. Research should feed into and be mainstreamed across the GCM processes, to ensure and support evidence-based policies and measures.

Framework for follow-up and review

A framework for follow-up and review of implementation should similarly utilise those means of verification already available to the international community. This includes existing expertise in relevant UN agencies and international organisations, as well as watchdog reporting conducted by non-governmental actors. Moreover, common targets should be used to track progress, using qualitative and quantitative indicators based on the five themes and the actionable commitments included within them. The GCM can use existing examples of such review frameworks as models, such as the Joint Valletta Action Plan Monitoring and Reporting Tool, which encompasses a database on practices and data collection cycles to feed into the database.

In the context of a 10-year compact (which we see as ideal), bi-annual reporting lines by Member States, in parallel with annual expert meetings (including e.g. UN Special Rapporteurs, UN agencies, international organisations, civil society and academia) on their independent research and reports, would be an effective means of data collection and verification of progress. As the UN-mandated organisation on migration, IOM is well-placed to convene such review meetings, as well as summarise and compile both Member State and Rapporteur/expert reporting on progress. Existing meetings can be transformed and/or feed into this process, such as the International Dialogue on Migration, the GFMD Annual Summit, and UN DESA's Annual Coordination Meeting on International Migration.

In this approach, Member States would provide reports on their progress organised across the five themes, focusing on concrete actions, with the overarching goal to progressively adopt measures addressing all five, and a majority of the GCM actionable commitments. In parallel, experts, non-governmental actors and watchdog entities, as well as UN Rapporteurs, would report in annual sessions on specific challenges (as related to the GCM main themes and actionable commitments) they have identified in the course of their work. In both cases, these reports (main challenges and achievements) should be summarised, compiled and submitted for review to the SRSG, in order to assess the progress achieved and targets reached.

3. Annex of relevant frameworks for reference within the GCM

1. Fulfill human rights obligations with respect to migrants:

The International Bill of Human Rights; European Convention on Human Rights; Convention and Protocol relating to the Status of Refugees; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination Against Women; International Convention on the Elimination of All Forms of Racial Discrimination; International Convention on the Protection of the Rights of All Migrant Workers and their Families; Domestic Workers Convention; UNHCR's 10 Point Plan of Action on refugee protection and mixed migration; Global Migration Group's draft Principles and guidelines on the human rights protection of migrants in vulnerable situations within large and/or mixed movements; OHCHR's Principles and Guidelines on Human Rights at International Borders; Migrants in Countries in Crisis Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster; Nansen Initiative Protection Agenda; Global Charter-Agenda for Human Rights in the City; UN International Law Commission's Draft articles on the expulsion of aliens.

2. Reduce irregular migration and migrant smuggling, and end trafficking in persons:

Convention against Transnational Organized Crime and the Protocols Thereto; UNODC Global Plan of Action to Combat Trafficking in Persons; Alliance 8.7; UNODC's International Framework for Action to Implement the Smuggling of Migrants Protocol; Paris Agreement; Sendai Framework for Disaster Risk Reduction 2015-2030; Outcome of the World Humanitarian Summit, Nansen Initiative Protection Agenda.

3. Promote regular migration pathways:

International Convention on the Protection of the Rights of All Migrant Workers and their Families; International Labour Standards on Labour Migration; Nansen Initiative Protection Agenda.

4. Promote migrants' contributions in countries of origin, transit and destination:

Transforming our world: the 2030 Agenda for Sustainable Development; Addis Ababa Action Agenda of the Third International Conference on Financing for Development; Nairobi Action Plan on Remittances; Addis Ababa Declaration on Population and Development in Africa beyond 2014; the Migrant Integration Policy Index (MIPEX); Vienna Convention on Consular Relations; New Urban Agenda.

5. Promote cooperation and partnership:

Global Forum on Migration and Development; international migration dialogues such as the Bali, Budapest, Khartoum, Prague and Rabat Processes; the Mediterranean Transit Migration dialogue; Regional bodies such as ASEAN, CAN, COMESA, EAC, ECOWAS, ECCAS, EU, IGAD, LAS, MERCOSUR, OAS, OSCE, SADC.