

## **A new deal for refugees, migrants and societies**

### *Civil society starting points for the outcome of the UN High-level Summit on addressing large movements of refugees and migrants<sup>1</sup>*

The world is experiencing the largest forced displacement of people since the Second World War, yet the global community is falling far short in its duty to protect them. The last time we saw displacement on this scale, states came together to write the 1951 Refugee Convention, and to mandate the United High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), among others, to be and to build solutions. These solutions are not adequately supported, and existing rights and mandates are not being implemented. We need states to turn history around again.

As migrants, refugees and civil society organizations working on the ground and globally, we call upon states and others at the Summit to launch **a new deal for refugees, migrants and societies**; a deal that addresses the reasons people need to or choose to leave home, that provides safe passage while protecting their fundamental rights; a deal in which displaced people, refugees and migrants can preserve their family unity, build new lives and access their human rights without discrimination; a deal to build inclusive and diverse societies without xenophobia and racism that are able to welcome newcomers, and thrive together.

For us, these are the overarching principles for the new deal

- Civil society, including refugees, migrants and diaspora, needs to be part of the discussion and solutions, from inception to implementation.
- The rights and conventions already exist. Outcomes need to build upon the nine core human rights conventions, international humanitarian and refugee law, and also the UN 2030 Agenda for Sustainable Development.
- The outcomes need to be actionable, and include implementation and accountability mechanisms, resources, and specific time-lines.
- Responses must save lives, respond to needs, be rights-based, gender-sensitive, and oriented to human dignity and human development for all, regardless of status.

Building upon years of civil society organizing and the recommendations put forth in the excellent UN Secretary-General's report "*In safety and dignity*", we urge states in the Summit outcome to act around the following four areas.

1. **Launch an international plan NOW to protect and uphold the safety and dignity of refugees, migrants and displaced people on the move and upon arrival**
2. **Launch a Global Compact on Responsibility-Sharing for Refugees**
3. **Launch a Roadmap for a Global Compact on Safe, Regular and Orderly Migration**
4. **Launch international action for social inclusion and against discrimination, racism and xenophobia**

<sup>1</sup> 24 June 2016. This document presents a set of starting points that a wide diversity of non-governmental organizations believe are important as UN Member States begin negotiating an Outcome Document for the UN General Assembly Summit 19 September 2016 on Addressing Large Movements of Refugees and Migrants. It was drafted in consultation with the 22 members of the international self-organized [civil society Action Committee](#) for the Summit, and also reflects input from about 140 surveys and Summit participant applications by civil society organizations around the world.

## 1. Launch an international plan NOW to protect and uphold the safety and dignity of refugees, migrants and displaced people on the move and upon arrival

Increasingly, policies are being put in place to prevent human movement, to securitize and criminalize migration, and to close international borders. This undermines the fundamental rights of refugees and migrants. Evidence is unequivocal that such policies do not stop human mobility, but push people into more precarious routes, undercut protection, and endanger the lives of refugees and migrants. Alongside the need to develop channels for safe, orderly and regular migration, it is imperative to ensure systematic assistance and protection of all refugees and migrants who are vulnerable in movement and upon arrival, including internally displaced persons. Current responses are ad hoc, inconsistent and utterly inadequate.

Civil society calls on states in the 19 September outcome to:

- **Launch an immediate process for guidelines and commitments for a systematic response to improve assistance and protection** of refugees and migrants who are vulnerable on the move and/or upon arrival. Such guidelines must clearly emphasize binding obligations under international law and conventions, and should identify and close protection gaps. Taking inspiration from the *Nansen Initiative of Disaster-Induced Displacement* and the *Migrants in Countries in Crisis Initiative (MICIC)*, but grounded firmly within the UN framework, this process should be led jointly by states and civil society practitioners in explicit partnership with international agencies, local authorities, refugees and migrants. It should include regional consultation; be time-limited; and link directly to the Global Compact on Responsibility-Sharing for Refugees and the Global Compact on Safe, Orderly and Regular Migration (see 2. and# 3. below).
- **Respect and implement existing international human rights obligations.** The nine core international human rights treaties, international refugee and humanitarian law, the Guiding Principles on Internal Displacement and the labor conventions are clear that all human beings—not a portion but 100% of all refugees, migrants and internally displaced people, regardless of administrative status—have fundamental human rights that states are legally bound to respect and protect. Widely ratified conventions enumerate further rights of those with specific vulnerabilities, including *non-refoulement* of refugees, asylum seekers and others at risk of serious human rights violations, best interest determinations for children and protection for victims of human trafficking.
- **Put in place needs- and rights-based responses that save lives and protect people on the move and upon arrival.** States must work together and with other actors to step up capacity for consistent assistance to all refugees, migrants and internally displaced people, regardless of status or means of arrival, including food, shelter and safe houses along dangerous migration routes, medical assistance, psychosocial support and adequate reception facilities.
- **Urgently review border and migration policies to ensure they are consistent with international human rights standards.** State measures to address border security concerns must be based in law and be proportionate, and must ensure that they do not violate the human rights of those crossing borders. Clear guidance should be incorporated from the forthcoming Global Migration Group “Principles and practical guidance on the human rights of migrants in large movements”, the Office of the High Commissioner for Human Rights’ [“Principles and guidelines on human rights at international borders”](#) and the body of normative instructions from the Human Rights Council mechanisms, the treaty bodies and UNHCR. Policies should ensure adequate human and financial resources to support rescue, screening and reception, quick referral systems for those in need and fast and fair status-determination procedures. Detention should only be used when lawful, necessary and proportionate, and children should never be held in immigration detention. States and intergovernmental entities should refrain from making migration control or deterrence a condition for development aid.

## 2. Launch a Global Compact on Responsibility-Sharing for Refugees

It is time to launch an immediate process leading to prompt adoption of a Global Compact for responsibility-sharing for refugees. Such a process should be time-limited, involving UNHCR, states and civil society practitioners in explicit partnership with other agencies, local authorities, the private sector, refugees and diaspora.

A new Global Compact on refugee responsibility-sharing must be based on international human rights and refugee law and respect, protect and fulfil the rights of all refugees and asylum-seekers while reaffirming the principle of *non-refoulement*. States should draw upon past experiences with comprehensive refugee responses, such as the positive aspects of the 1989 Comprehensive Plan of Action (CPA) for Indochinese Refugees, to create more predictable and equitable responses in dealing with large-scale refugee movements.

To make this Global Compact a true game-changer, civil society calls upon states to make it part of the outcome of 19 September, and include as starting points to:

- **Uphold their obligation to provide asylum and protect refugees.** Reaffirm full commitment to and implementation of the 1951 Refugee Convention, its protocol and regional refugee instruments.
- **Share the responsibility for hosting refugees.** Pledge to resettle all those who are identified by UNHCR to be in need of resettlement, that is, at least 10% of the global refugee population annually through resettlement and humanitarian admission, while providing additional and fast-track legal pathways, such as expanded family reunion, scholarships, labour migration schemes, medical evacuation and community and private sponsorships beyond that 10%. The Compact should address the role of national and local authorities in hosting, welcoming and resettling refugees, as well the role of non-state actors, civil society and employers. States' contributions to refugee responsibility-sharing should be fair and proportionate. Objective criteria, such as the size of the economy, size of the population, unemployment rate, refugee population and number of asylum applications received, should be used to evaluate each state's relative contribution to responsibility-sharing.
- **Commitments for sharing the responsibility of meeting immediate and long-term needs and rights, and for supporting the livelihoods of refugees and host communities.** Provide predictable, multi-year funding to address root causes, drivers and effects of displacement and prevent protracted displacement; support local inclusion and self-reliance initiatives; including by providing refugee children and youth with immediate access to education (no child should be out of education for longer than 30 days), wider access to higher learning and training, and respecting rights and access to decent work and gainful employment for refugees. This requires recognizing the extraordinary contributions and responses of refugee-hosting countries and communities; ensuring synergies and good coordination between humanitarian and development responses (both immediate- and long-term).
- **Put an end to leaving refugees adrift and behind.** Ensure that refugees and asylum seekers are not held or stuck in designated camps or centres for protracted periods of time, but are processed in a rapid way in line with widely-ratified conventions. Ensure that they have access to accurate information on and support regarding their rights and available services.
- **Be accountable.** The new Global Compact on Responsibility-Sharing for Refugees should be predictable and equitable, clearly defined and effectively implemented and monitored, including through the support and oversight of an institutional mechanism.

### 3. Launch a Roadmap for a Global Compact on Safe, Regular and Orderly Migration

In an increasingly mobile world, there is urgent need for channels of safe, orderly and regular migration; channels that allow people to seek safety, join family, seek decent work and livelihoods, pursue studies and business abroad, and secure a better future for themselves and their families. Developing such channels will greatly reduce the abuse and suffering that refugees and migrants currently experience—and the extraordinary personal, social and political chaos that arises—in the absence of such channels. Migration that is safe and by choice is an opportunity for human development and a necessity in our globalized world.

**As a Summit outcome, states should launch an all-stakeholder Roadmap for the development of a Global Compact on safe, orderly and regular migration.** This Roadmap should link to the implementation of Goal 10 (7) of the 2030 Agenda for Sustainable Development and to the development of guiding norms and commitments for the protection of migrants on the move (see # 1 above). Grounded within the UN framework, this process should be led jointly by states and civil society practitioners in explicit partnership with the International Organization for Migration (IOM), and other agencies including the International Labor Organization, UNHCR and UNICEF, local authorities, refugees, migrants and the diaspora. It should include regional consultation, be time-limited and lead to the adoption of the Global Compact at a World Migration Conference in 2018, with the aim of changing and improving the global governance of migration. This should also include the integration of IOM into the UN-system with a mandate of protection.

**The starting points for the Global Compact on safe migration should be to:**

- **Ensure that migration is a choice; not a necessity.** Acknowledge and act on the basis that the best way to address forced migration is to tackle its root causes, which include persecution, discrimination, human rights violations and abuses, conflicts and violence, extreme poverty and structural inequalities, as well as climate change and natural disasters. These challenges should be addressed as imperatives in and of themselves, and responses should not be framed to restrict migration by choice.
- **Build, implement and monitor rights-based and gender-sensitive migration channels** from preparation and departure fully through transit, reception, admission, residence, work and living in a new country. In particular: respect and protect the specific rights that existing international conventions and law prescribe for asylum-seekers, refugees, stateless persons, children, victims of torture, trauma or violence in transit, trafficked persons, and all in physical or psychological distress. Child protection systems should exist at every stage of the migration route.
- **Combat abuses by exploiters of migrants and protect labor rights.** Ensure inter-state cooperation and that monitoring systems are in place to reduce the incidence and ensure the prosecution of human traffickers, recruitment agents and middlemen who prey on refugees and migrants, especially in sectors with a record of exploiting foreign workers, such as domestic work, hospitality, textiles and construction.
- **Enforce labor rights for migrants,** including the freedom of association, the right to collective bargaining, equal pay and safe working conditions, for workers of all skills levels regardless of status.
- **Implement national policies that protect the human rights of migrants.** Translate rights for migrants into policy and practice, including the right to work, to family life and family unity, and to access inclusive public services, such as healthcare, education and justice.
- **Ensure effective and fair systems to transfer remittances, to support opportunities for investment in home communities and to provide portability of acquired benefits.**
- **Respect the right to voluntary return,** respect the prohibition of collective expulsions and ensure that any other return fully complies with international law and standards regarding *non-refoulement* and best interests of the child while also providing reintegration assistance where appropriate.

## 4. Launch international action for social inclusion and against discrimination, racism and xenophobia

Countering racism and xenophobia and ensuring that refugees and migrants are welcomed and integrated as part of inclusive societies are the *sine-qua-non* for an overhaul of refugee and migration policies. Yet refugees and migrants are too often – and increasingly – feared, vilified, threatened with violence and criminalized. Acknowledging that getting to know each other has the potential to break down barriers in ways that other initiatives cannot reach, tackling negative perceptions about migrants and refugees, implementing sound inclusion and cohesion plans, and holding perpetrators accountable for racist and xenophobic speech and crimes are vital to the sustainable success of any outcomes at the Summit.

**Civil Society calls on states for action in the 19 September outcome document to endorse and go beyond a global UN campaign against xenophobia, with these starting points:**

- **Inclusion without delay.** Ensure the inclusion of refugees, migrants and diaspora in societies, by providing, without delay upon arrival, regardless of status and in partnership with local refugee, migrant, diaspora and other civil society groups: access to language training, legal information, cultural orientation, education, health care and justice; and ensure strong separation between these public services and penal and immigration authorities.
- **Participation.** Ensure political, economic and social inclusion and participation by enforcing refugee and migrant labor and employment rights, as well as pathways to voting rights and citizenship; and instituting migrant advisory boards at local levels.
- **National development plans.** Include refugee and migrant inclusion and impacts for host communities in short- and long-term, local and national development strategies.
- **Anti-racism legislation.** Enact and more vigorously implement legislation against racism, xenophobia, discrimination, hate crimes, hate speech and discrimination.
- **Inclusive schools:** Create inclusive and accepting environments in schools, with curricula including education about diversity and migration.
- **Inclusive workplaces.** Translate the protection of refugee and migrant employment and labor rights into practice, including through establishing formal social dialogues with the participation of employers, employees, civil society, trade unions and governments.
- **Welcoming cities:** Support inclusion and participation programs at local and city level, to benefit from diversity while also addressing xenophobia and participation barriers.
- **Changing perception and narratives; a global language initiative.** Insist that media, politicians, policy makers and the general public take responsibility in correctly portraying facts and figures, and that they refrain from using stigmatizing, inaccurate and criminalizing terminology in relation to refugees and migrants. States should lead by example in this regard. As part of the global UN-led global campaign against xenophobia, the UN urgently should develop a tool in multiple languages to call for more accurate and human terminology for people on the move and human mobility phenomena.
- **Campaigns.** Without delay develop campaigns at local and national levels to actively support the UN-led global campaign against xenophobia, while also showcasing initiatives by citizens, municipalities or civil society organizations that welcome and engage refugees and migrants.