

GFMD Theme 4: Addressing Gaps in Migrant Protection

Summary of this Regional Webinar’s Key Emphases for Practice and Partnerships

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I. Introduction

This paper focuses on the work to date in this regional process specifically on the Global Forum theme *Addressing Gaps in Migrant Protection*. It has 3 focus areas. Protection of migrants:

1. in transit
2. in **admission, and policies of inclusion**, including access to social services and justice, and portability of benefits, and
3. in **labour agreements, and in the informal economy**

Some **29 representatives** of 13 States, 5 civil society organizations, 2 businesses, 3 Mayors and 2 observer organizations registered to participate in the two-hour on-line **Breakout session** 2 June. All but 15 minutes of the session was filled by open, informal and interactive exchange between participants, directly on-line (with English-French interpretation) and in the on-line chat box. Altogether, there were **21 separate interventions and inputs**.

What follows is a summary not of the whole issue itself, but of key points of participant input and interaction in and around that session, with particular emphasis on threads and streams of convergence, shared interest, common ground and partnership regarding *this theme in this region*. Your work, your ideas.

II. Key Emphases

A. Participants welcomed the insistence of this year’s GFMD on the imperative—and possibilities—to expand partnerships, especially in “COVID-time”.

Participants emphasized that:

- “COVID time” is actually *two* fully global crises, and in some places, quite possibly a third. That is: first the pandemic, then immediately the global economic crisis that grew out of measures to combat the pandemic, and now yet a third type of crisis emerging in places: social and political crises, some arising from pre-existing instabilities, but all with at least some basis in yawning inequalities and gaps exacerbated by COVID-related unemployment, hunger and discrimination.
- What is different is that COVID also adds an urgency, an imagination, and already signs of some surprising solidarity and speed. Participants suggested seeing and even sharing new energy and interest among actors who have not traditionally partnered before, especially across business, civil society and local authorities.

In this context, participants pointed directly to the GFMD for action that will simultaneously address gaps in migrant protection *and* work to restore public health, jobs, communities and economies. In short, migrants and refugees are part of the solution.

Participants talked as much about WHO should be partners as they did about WHAT partners should do to address gaps in migrant protection.

B. WHO should be partners? It was striking that every time participants provided examples of their positive experience with partnerships, **they emphasized that good partnerships require the “right” or “key” partners.** For example:

- Participants across all 4 GFMD groups, including States, pointed consistently to **the Mayors and local offices as key partners at the front-line.** “These are the very guys”, one participant said, “that you need on board in partnerships that aim to protect migrants”. He continued: “the first people we meet are usually the local authorities. They are the ones in touch with the people when they are suffering, they are the ones who can provide an immediate answer, and we can work with them.”

Among concrete partnerships that involve or can involve city actors in addressing gaps in migrant protection:

- **inter-city partnerships** within the country and across the region and continent, where authorities can exchange data, concerns, good practices and even resources for protection of migrants and refugees, including partnerships to trace and sustainably re-connect migrant children living on city streets with either their family or appropriate social services in their regions or countries of origin
- **partnerships with international networks of cities**, as on the Mayors Declaration signed in 2019 in Dusseldorf, and with international organizations on implementation of the two Global Compacts, on Refugees, and for Migration.
- Several participants working in or with city authorities called for **decentralizing to the cities some of the “competence and means” of the national government regarding migrants and refugees.** Decentralizing will empower the cities to step up as partners *with* the national government, doing more effectively many things that only the cities can do anyway simply because they are physically closest to the people. This includes immediate welcome and protection of new arrivals, and support for local housing, urgent medical care, education and employment. One participant said bluntly: “integration is local”.

It was suggested that the AU should help cities to do this. If given the authority and reasonable resources as well as the responsibility, a local secretariat and/or center could anchor this partnership. For example, in Senegal, Dakar has commissioned a Technical Counsellor (*Conseillère technique du Maire de Dakar*) to work on the protection of children.

- **Participants across all 4 GFMD groups, including from civil society, pointed to the importance of business actors as partners.** In Morocco, for example, a recent framework agreement between the Ministry of Immigration, la Confédération Générale des Entreprises (CGEM) and UNHCR aims to facilitate integration of refugees, including better employment opportunities.
- **The people affected are always essential partners**, and should always be included in discussion and decision-making on policies and programmes that affect them.

Several participants emphasized that inclusion must be a habit, not occasional, and that *inclusive dialogue* is an underestimated form of partnership. This is not just to be democratic or nice: it is also to be effective. For example, in the border regions of Cameroon, Gabon and Equatorial Guinea, when civil society groups created a platform for local administrations and other authorities—including border police—to meet and exchange with migrants altogether at the table, and “there were no reprisals, no more attacks.”

- **But inclusion does not always mean “everyone at the table”.** Participants explored the expressions “whole of government” and “whole of society.” Specific reference was made to efforts over the years to reform recruitment practices for migrant workers: so many actors have been involved, and yet it was not “done”.

Were some actors missing, maybe from business, States or migrants themselves, for example? One participant regretted that “Ministries of Employment and Labour were not at the table”.

Or were too *many* involved, bogging progress down? In the real world, is “whole of government” or “everyone at the table” sometimes too vague and utopic, or slow?

Several participants responded that it was “important to include the different sectors”, *but* within them, primarily “those really ready to move”. Partners “ready to move” are the key to partnerships achieving their objectives.

C. WHAT should partners do? Participants seemed clearly encouraged by one another, *and by their shared interest across the different GFMD constituent groups* (States, civil society, business and Mayors), especially on **these 7 priorities for protection**:

1. **“Learn the COVID lesson” and open health services to all, without discrimination, because the virus does not discriminate, and no one is protected unless everyone is protected.** As one of the two States that spoke on this put it: public health in such a context is the very essence of a shared interest, “even in a selfish way”.

But because this can be complicated, States need to partner with other actors to ensure that migrants and refugees have genuine access to health care, regardless of their immigration status and without fear of being punished or deported for it. Participants mentioned several States going in this direction recently, including Spain and the UAE.

2. **Fix recruitment practices.** This attracted the strongest convergence by far—almost rage, even. Participants said that reform is both long due *and* within reach. One participant said it is incredible that men and women could be sent from Africa to work in Saudi Arabia without any involvement of their own government. Others referred to the high fraud and abuse that so many migrants suffer at the hands of private recruiters, who promise decent work, pay and even valid working papers but then provide none of it, as they openly exploit the workers like slaves.

Several participants said that existing arrangements, including most **bilateral labour agreements**, were broadly failing in these regards. It is time to insist on protection in formal and enforceable **intergovernmental agreements**, with strong sanctions available *and imposed* on abusers whoever they are.

Participants expressed appreciation of two forms of partnership working to fix recruitment: (a) the work of **ILO on fair recruitment and IOM on standards and code of conduct**; and (b) **public agencies** that directly regulate recruitment actors or dynamics, like Morocco is promoting, including in partnership with Spain, with contracts that respect rights on duration of work, salary and social benefits consistent with the Global Compact for Migration.

3. **Improve protection of street children and girls, in contexts both of COVID and of human trafficking.** This includes partnerships intercity, mentioned earlier, and on data.
4. **Invest in better data for protection and systems of communication**, to understand the true presence, need and contributions of migrants and refugees, and share information with them. City leaders in particular pointed to the lack of data about the number and needs of newly arriving migrants and refugees, including internal migrants from rural areas or in conflict. This impedes the cities and other local actors, including civil society and business organizations, from responding to those migrants and refugees with essential services, from health care and education to employment opportunities and justice.

Partnerships on such data collection and communications systems are needed, among others with local universities and civil society, including migrant associations in particular; the AU, whose pressure on Member States would be important to foster and accelerate these local structures and processes; countries of origin, many of whom know their migrants well (like the Philippines); IOM and ILO.

5. **Be much more deliberate about improving public narratives on migrants, refugees and migration.** Participants commended the new GFMD Working Group—itsself a partnership across all four GFMD groups—created for this purpose. Several participants see the COVID crisis opening peoples’ eyes in many countries to the essential role and contributions migrants provide there every day: a moment for a possible *paradigm shift* in public perception and narratives.

D. Finally, two areas that were suggested just once, but quite strongly as the subject of clear shared interest and common ground for partnership across GFMD partners:¹

6. **Recognize regularization of residence and employment as a practical measure** for migrants and refugees in irregular or undocumented status who (a) were blocked from renewing their regular status by COVID-related obstacles; or (b) perform essential services in COVID time, including health care in hospitals, group or home settings, farm work and food supply, and public transportation. Participants appreciated Spain and Canada for such measures, respectively.
7. **And turn at last to building a culture that regularizes: migration + employment + economies.** Not just for the COVID crisis, but also to emerge sooner and stronger from the related global *economic* crisis. This requires (a) *re-booting* “migration diplomacy”, i.e., fresh negotiation and cooperation between States; and (b) providing a legal framework with regular pathways that can:
- recognize and match skills, including up-skilling that prepares or promotes workers
 - fill the demand of decent employers for workers and migrants for decent work, like Italy and other western countries coming to Africa-based recruiters with “huge demand” for unskilled migrant workers
 - require social protection
 - reduce irregular migration for lack of such regular pathways, and
 - incentivize transition from the informal to the formal economy

As one participant put it, “extraordinary effects of the pandemic require extraordinary measures.”

Good partners can determine good measures, and the future we’ll have.

/Merci, shukraan.

¹ Elements of this section are also taken up under separate GFMD themes 1: the Governance of Labour Migration, 2: Skilling Migrants for Employment, and 5: Discussing Approaches to Prevent Irregular Migration.