

## **GFMD THEMATIC RECOLLECTION IN THE ZERO DRAFT OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION**

On 5 February 2018, the Global Compact for Safe, Orderly and Regular Migration (GCM) Co-Facilitators released the GCM Zero Draft which will lead the discussions during the inter-governmental negotiations that will kick off on February 20, 2018.

Below is an **overview of the recommendations** for Actionable Commitments in the Zero Draft that echo many of the policy options and options for practical action which are outlined in the GFMD Thematic Recollection 2007 to 2017 – the GFMD’s contribution to the GCM process.

### **GCM ACTIONABLE COMMITMENTS**

#### **Objective 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies.**

The need to collect and analyze data for improved, evidence-based migration policies and accountability has figured prominently in the GFMD debates in the last years and constitutes one of the convergent issue between GFMD discussions and the Zero Draft.

The following policy options (PO) and options for practical action (OPA) from the GFMD Thematic Recollection are mentioned under this Objective:

- Strengthen regional partnerships in the design and implementation of migration policies, and exchange of data and best practices. Encourage information sharing on joint alliances or joint standards that promote similar and consistent guidelines. Include civil society, workers’ and employers’ organizations and the private sector in these partnerships (GCM Cluster 3, PO, p.23).
- Improve the collection, analysis and sharing of data on migration (GCM Cluster 3, PO, p.25).
- Establish evidence-based indicators, gather and analyze data (GCM Cluster 3, OPA, p.25).
- Develop migration profiles for local, national and regional contexts (GCM Cluster 3, OPA, p.25).
- Establish an observatory to collect data and experiences of reintegration (GCM Cluster 3, OPA, p.25).
- Foster exchanges of information, best practices, and cooperation between all stakeholders involved to ensure coordination, complementarity and coherence across all activities (GCM Cluster 3, OPA, p.27).

#### **Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin.**

Since the 2010 Summit in Mexico, the GFMD has discussed ways to address drivers of irregular and forced migration by enhancing human development and human security through cooperation and responsibility sharing. Past GFMD discussions have come up with a significant number of policy options and options for practical action that are now also recommended in the Zero Draft. These include the following focus areas:

- Establish wide partnerships between all actors, including between humanitarian and development actors, and also including the private sector (GCM Cluster 5, PO, p.40).
- Adopt preparatory measures to prevent and mitigate the impacts of displacement, leverage the agency of people at risk and address vulnerabilities with a focus on local level (GCM Cluster 5, PO, p.40).
- Encourage States and other stakeholders to refer to existing frameworks (GCM Cluster 5, OPA, p.40).
- Promote training of emergency responders and consular officers about the needs, vulnerability and agency of migrants in times of crisis (GCM Cluster 5, OPA, p.40).

### **Objective 3: Provide adequate and timely information at all stages of migration.**

Since the 2007 Belgian GFMD Chairmanship, the Forum enabled a shift of the migration and development paradigm by promoting migration as an opportunity and advanced the international debate around mobility. In order to ensure safe, orderly and regular migration, and provide adequate information to migrants the GFMD and the Zero Draft have the following common recommendations:

- Develop effective pre- and post- departure information measures and support structures for migrants in countries of origin, destination and transit to increase awareness among migrants of their rights and obligations. Strengthen their capacities to avoid exploitation (GCM Cluster 1, OPA, p.9).
- Strengthen regional and inter-regional processes and platforms to ensure effective sharing of information for a collaborative approach among countries of origin and between countries of origin and destination (GCM Cluster 2, PO, p.15).
- Promote programs to provide potential migrants with relevant information to make well-informed decisions to prevent negative migration experiences (GCM Cluster 2, OPA, p.16).
- Foster exchanges of information, best practices, and cooperation between all stakeholders involved to ensure coordination, complementarity and coherence across all activities (GCM Cluster 3, OPA, p.27).

### **Objective 4: Provide all migrants with proof of legal identity, proper identification and documentation.**

Improving identification was part of past GFMD discussions as a way to protect migrant groups prone to vulnerable situations, mostly in relation to human rights. The following policy options and options for practical action were included in the Thematic Recollection and are mentioned in the Zero Draft:

- Develop effective mechanisms and procedures for the identification of migrants who have specific protection needs in order to provide them with adequate support and protection as soon as possible upon arrival, especially children. Develop particular measures to identify and help potential victims of trafficking (GCM Cluster 6, PO, p.48).

- Strengthen and improve systems of migrant identification based on human rights and protection-sensitive principles, which acknowledge the specific needs of each group (GCM Cluster 6, OPA, p.48).

### **Objective 5: Enhance availability and flexibility of pathways for regular migration.**

Past GFMD discussions have come up with a number of policy options around labor mobility. States were recommended to adopt rights-based circular or temporary labor migration schemes and provide potential migrants with relevant information, including regarding migration and work authorization processed. In addition, the Forum recommended that migration policies should be flexible and transparent so that employers can effectively manage compliance. The following actions are common to both the GFMD Thematic Recollection and the Zero Draft:

- Adopt rights-based circular or temporary labor migration schemes and remove limitations on circular migration that ensure decent work and respond to genuine short-term labor and skills gaps (GCM Cluster 2, PO, p.15).
- Promote immigration policies informed by skill gaps identified by the private sector (GCM Cluster 2, PO, p.15).
- Conduct skills mapping of migrant populations in situations of crises. Migrants in situations of crises can be resources to fill skill gaps globally through legal labor mobility pathways (GCM Cluster 5, PO, p.40).
- Create and expand safe regular pathways to temporary, humanitarian, circular, or permanent migration, based on domestic immigration law, i.e. humanitarian visa, family reunification, labor mobility schemes, student visa or regional agreements on free movement of persons, in order to allow affected persons to adapt to climate change, cope with disasters or flee conflicts (GCM Cluster 5, PO, p.40).

### **Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work.**

The Zero Draft highlights the need to “review national labor laws, employment policies and programs to ensure that they include considerations of the specific needs and contributions of female migrant workers, including in domestic work” and ensure that “decent work conditions apply in all sectors”. It also calls for the development of certification systems for recruitment agencies. The Thematic Recollection also recommended the following actions:

- Protect women and men migrants through: the adoption of recruitment regulations, gender-sensitive labor migration policies and practices that ensure decent working conditions for all migrants (GCM Cluster 2, PO, p.17).
- Develop codes of fair and ethical recruitment, particularly in the health sector, and further the dissemination of lessons learned from existing codes of conduct. Enhance efforts to develop certification mechanisms for recruitment agencies (GCM Cluster 2, OPA, p.17).

### **Objective 7: Address and reduce vulnerabilities in migration.**

The Zero Draft emphasized the need to “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” and to “involve local authorities and stakeholders in the identification, referral and assistance of migrants in a situation of vulnerability”. The Thematic Recollection also recommended the following practical actions:

- Strengthen and improve systems of migrant identification based on human rights and protection-sensitive principles, which acknowledge the specific needs of each group (e.g. unaccompanied children). Measures include appointing protection assistance focal points who are conversant with associated procedures and can act as liaison officers between the different actors providing protection assistance to migrants who may be vulnerable (GCM Cluster 6, OPA, p.48).

### **Objective 9: Strengthen the transnational response to smuggling of migrants.**

The Zero Draft highlights the importance to “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”. The Thematic Recollection also recommended to ensure that irregular migration is not criminalized and migrants do not become liable to criminal prosecution for having been the object of smuggling (GCM Cluster 6, PO, p.47).

### **Objective 10: Prevent and combat trafficking in persons in the context of international migration.**

The Thematic Recollection and the Zero Draft have the common options for practical actions to fight human trafficking:

- Ensure migrants in vulnerable situations, including migrant victims of trafficking, have access to basic services (health care, shelter, etc.) and, where needed, are provided with specific support such as psychological treatment (GCM Cluster 6, PO, p.45).
- Strengthen capacities to implement the existing and to a great extent ratified international legal frameworks on trafficking (GCM Cluster 6, PO, p.46).
- Strengthen systems 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 (GCM Cluster 6, OPA, p.48).

### **Objective 11: Manage borders in an integrated, secure and coordinated manner.**

The Zero Draft points out that states must enable migration to occur legally and safely, respecting the human rights of migrants. The Thematic Recollection also recommended the following:

- Adopt concrete measures to prevent the violation of migrants’ human rights in the countries of origin, transit and destination. Put in place systems and procedures at the national, bilateral or regional level in order to ensure the protection and promotion of the rights of migrants in

transit (e.g. ports, airports, borders) and build the capacities of relevant public officials in accordance with international human rights law (GCM Cluster 1, OPA, p.9).

- Reinforce the effectiveness of cooperation and partnership on border management and return migration between countries of origin, transit and destination through rights-based bilateral agreements and regional initiatives. This must be done consistent with international law (GCM Cluster 3, PO, p.28).

### **Objective 12: Strengthen procedures and mechanisms for status determination.**

In order to improve mechanisms and procedures for the identification and status determination of all migrants, the Thematic Recollection and the Zero Draft have the following common actions:

- Recognize the increasingly mixed character of irregular movements, which may include persons in need of special assistance and protection. (GCM Cluster 6, PO, p.46).
- Develop effective mechanisms and procedures for the identification of migrants who have specific protection needs and develop particular measures to identify and help potential victims of trafficking. Measures include appointing protection assistance focal points who are conversant with associated procedures and can act as liaison officers between the different actors providing protection assistance to migrants who may be vulnerable (GCM Cluster 6, PO and OPA, p.48).

### **Objective 13: Use migration detention only as a last resort and work towards alternatives.**

The Zero Draft recommends a number of actions to take a human rights-based approach to any detention of migrants, using detention as a last resort only and working to create alternatives. The same recommendation was also made by the GFMD Thematic Recollection:

- As part of immigration detention frameworks, work towards the development of alternatives to detention, in particular alternatives to detention of migrant children because of their migration status (GCM Cluster 1, OPA, p.9).

### **Objective 14: Enhance consular protection, assistance and cooperation throughout the migration cycle.**

Objective 14 of the Zero Draft recommends expanding the capacity of and access to consular protection and assistance. This following action was recommended by the Thematic Recollection:

- Promote training of emergency responders and consular officers about the needs, vulnerability and agency of migrants in times of crisis (GCM Cluster 5, OPA, p.40).
- Develop capacities of immigration and other relevant officials through providing specialized training. Refer persons belonging to groups prone to vulnerable situations to specialized medical, psychological and social services where needed in coordination with relevant governmental and non-governmental actors (GCM Cluster 6, OPA, p.49).

### **Objective 15: Provide access to basic social services for migrants.**

Both the GFMD Thematic Recollection and the Zero Draft highlight the importance to provide migrants, regardless of their migration status, access to basic services, including health care, education and social protection. The following actions are common to both documents:

- Promote programs to provide potential migrants with relevant information to make well-informed decisions to prevent negative migration experiences (GCM Cluster 2, OPA, p.16).
- Promote one-stop-shops in countries of origin and destination for information on the migration cycle in order to minimize the “information asymmetry” and promote temporary/circular-migration schemes for migrants that ensure decent work and fill genuine short-term labor and skills gaps (GCM Cluster 2, OPA, p.16).
- Ensure migrants in vulnerable situations have access to basic services (GCM Cluster 6, PO, p.45).

**Objective 16: Empower migrants and societies to realize full inclusion and social cohesion.**

Both documents recommend to foster local integration and capacities of migrants by:

- Form partnerships with all relevant stakeholders from civil society, private sector, representative employer and worker organizations, local governments and host communities to promote the inclusion and participation of migrants (GCM Cluster 1, OPA, p.12).
- Promote cooperation between civil society and governments to increase skills-based trainings informed by the private sector to fill skill gaps (GCM Cluster 2, PO, p.18).
- Align skills development programs to meet labor market demands with participation of workers’ and employers’ organizations (GCM Cluster 2, PO, p.18).
- Facilitate local integration by offering language courses, trainings or recognition of professional qualifications, as informed by the private sector to enhance uptake of migrant skills into the job market (GCM Cluster 4, OPA, p.35).

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

The Zero Draft condemns “expressions, acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against all migrants”. It makes the following recommendations of actions that were already mentioned in the GCM Thematic Recollection to tackle hate speech and manifestations of racism:

- Improve and shape public perceptions of migrants and migration through conducting communication and awareness campaigns and show how migrants contribute to the societies of destination and origin. Effectively engage with and through the media (e.g. using social media tools). It is important to give migrants a voice to allow them to share their experience (GCM Cluster 1, OPA, p.12).

**Objective 18: Invest in skills development and facilitate recognition of skills, qualifications and competences.**

The GFMD recommended to promote the cooperation between countries of origin and destination to ensure skills-based trainings to close the skill gaps identified by the private sector, better job matching and mutual recognition of skills (GCM Cluster 2, PO, p.18). The Zero Draft also mention the need to “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 labor markets of all participating countries”.

Both also agreed that migrants should be offered information on how to access their qualifications and have them recognized. The Zero Draft refers to the need to “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”.

**Objective 19: Create conditions for migrants and Diasporas to fully contribute to sustainable development in all countries.**

The Zero Draft recommends to “empower all migrants and Diasporas to catalyze their development contributions”. Such recommendation was also present in the GCM Thematic Recollection with the following possible actions:

- Establish diaspora partnerships at all levels to strengthen the cultural and economic ties between countries and increase coordination among different actors (GCM Cluster 4, PO, p.34).
- Include diaspora actors in policy development initiatives. Establish policies and practices that enhance the links between diaspora and countries of origin, and encourage the diaspora to actively participate in the development strategies of their countries of origin (GCM Cluster 4, PO, p.34).
- Enhance research for collecting, analyzing and sharing evidence-based data on diaspora, and invest in evaluations to better assess outcomes of diaspora engagement (GCM Cluster 4, OPA, p.34).
- Create an enabling environment for diaspora activities, for instance by providing recognition of skills and portability of earned social benefits (GCM Cluster 4, OPA, p.34).
- Extend the capacities and roles of migrant and diaspora associations and Civil Society Organizations (GCM Cluster 4, PO, p.35).

**Objective 20: Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants.**

The following options for actions were recommended in the GFMD Thematic recollection and the Zero Draft to reduce the costs of migration and increasing the impact of remittances:

- Support knowledge-based decision-making by all actors by setting up online portals to compare remittances costs and increase transparency (GCM Cluster 4, PO, p.32).
- Promote financial inclusion and literacy by developing financial literacy programs (GCM Cluster 4, PO, p.32).

**Objective 21: Cooperate in facilitating dignified and sustainable return, readmission and reintegration.**

On the issues of return, readmission and reintegration, the Thematic Recollection and the Zero Draft both emphasized on the following practical actions to support return and reintegration:

- Close the gap between skills assessment and recognition in the country of origin for returning migrants in order to support preparedness for return (GCM Cluster 2, PO, p.18).

- Ensure reintegration of returnee migrants in the job market in their countries of origin based on their past work experience, skills enhancement, and recognition of prior learning (GCM Cluster 2, OPA, p.19).
- Enhance interstate cooperation in order to respond to the specific long-term needs of migrants in the post-crisis phase so they can return and be reintegrated in their country of origin or be redeployed abroad (GCM Cluster 5, PO, p. 40).
- Support the provision of pre-departure language and vocational training and preparation for return (GCM Cluster 3, OPA, p.28).
- Identify key rights-based indicators for successful return and reintegration, monitor the long-term impacts and strengthen the evaluation capacity at all levels to make return and reintegration more sustainable (GCM Cluster 3, OPA, p.28).

**Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits.**

Through the Zero Draft states commit to “develop model agreements on the portability of earned benefits for migrant workers at all skills levels”. The GFMD Thematic Recollection also recommended to promote the portability of earned benefits of migrant workers and their families and ensure cooperation in order to make social security schemes between countries with different social benefit systems compatible for migrants (GCM Cluster 4, PO, p.32).