

REVIEW OF THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION - DRAFT REV 1, 26 MARCH 2018

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Prepared by: Mixed Migration Centre (MMC)

On 26th of March 2018, the co-facilitators released the Draft Rev 1 of the **Global Compact for Safe, Orderly and Regular Migration (GCM)**, reflecting the deliberations from the first and second round of intergovernmental negotiations. This review presents the MMC assessment of this new draft. It builds upon the **previous assessment and statement by the MMC** on the zero draft and zero draft plus.¹

KEY POINTS

- After two rounds of negotiations, the text of the GCM is becoming **less ambitious**. Several commendable actions have been watered-down.
- By deleting the references to mixed migration and related actions under Objective 12, the **already limited acknowledgment of the reality of mixed migration** flows has been further limited in this new draft. MMC fails to see how this will contribute to better protection for all people in mixed flows.
- While MMC welcomed the clear reference to firewalls in Objectives 7 and 15 in the previous drafts - to meaningfully separate immigration enforcement activities from public service provision - we **regret to see the commitment to establish firewalls has now been deleted**.
- MMC calls upon delegations to **remain ambitious and uphold the positive spirit and narrative** that resonated throughout the consultations in 2017 and resulted in a positive and progressive zero draft of the GCM.

REVIEW OF SELECTED ISSUES

- Overall, it is unfortunate that the new document is less ambitious than the previous drafts. The previous two drafts included strong and commendable commitments to promoting the operationalisation of the *Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations*; the *OHCHR Recommended Principles and Guidelines on Human Rights at International Borders* and the *Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (MICIC Guidelines)*. Unfortunately, **“promoting the operationalisation” has now been watered-down to ‘taking into consideration’**. MMC believes that, especially

¹ A detailed assessment of the full GCM zero draft by the Mixed Migration Centre is available here: http://www.regionalmms.org/policy/MMC%20assessment%20of%20the%20Global%20Compact%20Zero%20Draft_19%20Feb.p df. A statement by the MMC ahead of the 2nd round of negotiations is available [here](#).

in a document of a non-binding nature, these commitments should have remained and calls upon all delegations to uphold the ambitious spirit of the zero draft.

- Similarly, the addition in several committed actions of the words **'where they exist'** signals a **lack of progressive ambitions to make actual changes. Instead, it reads as a commitment to maintain the status quo.** Examples are actions under Objective 7 (*"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, where they exist"*) and Objective 19 (*"Promote knowledge and skills transfer of migrants and diasporas in their countries of origin by facilitating flexible entry and exit modalities, including through dual or multiple citizenship where it exists"*).
- MMC regrets to see that **references to mixed migration have been removed** from Objective 12. Especially the following two sections:
 - *"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"*
 - *"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"*.
- As expressed in the previous MMC statements, **the GCM should be reflective of the reality of mixed flows of people on the ground.** By further limiting the references to mixed migration, the GCM risks becoming a document that does not comprehensively cover the realities of international migration in all its forms. Moreover, it increases the risk that migrants in vulnerable situations who may not qualify as refugees – but, for example, may also not be able to return to their country of origin - fall between the cracks. MMC again calls upon states to **place individuals, human rights and the protection of all people in mixed migration flows at the core of the Compact.** MMC fails to see how further limiting the acknowledgment of mixed migration will contribute to better protection for all people in mixed migration flows.
- While MMC welcomed the clear reference to firewalls in Objectives 7 and 15, to meaningfully separate immigration enforcement activities from public service provision, **we regret to see the commitment to firewalls has now been deleted.** We encourage delegations to commit to the concept of firewalls, to reduce precariousness of status and related vulnerabilities of migrants.
- We **welcome the following addition to the Vision and Guiding Principles, which even more explicitly highlights the important contribution of migration to development:** *"Migration contributes to positive development outcomes and to realizing the goals of the 2030 Agenda for Sustainable Development. The Global Compact aims to leverage the impacts of migration on the achievement of all Sustainable Development Goals, as well as the impact this achievement will have on migration in the future"*.
- On the implementation and follow-up, **we welcome the addition of 'migrants' first** in the following sentence: *"We also commit to implement the Global Compact in cooperation and partnership with migrants, civil society, migrant and diaspora organizations, cities and local communities, the private sector, trade unions, parliamentarians, National Human Rights Institutions, academia, and the media"*. This is in line with the vision to place individuals at the core of the Global Compact and the whole-of-society approach.
- Compared to the previous two draft, the GCM has now explicitly added the aim of reducing irregular migration, through the following sentence: *"This comprehensive approach aims to reduce the incidence and impact of irregular migration through international cooperation and a combination of different measures put forward in this Global Compact."* While we agree that irregular migration in many contexts resembles unsafe and dangerous migration and as such is not something that should be encouraged or viewed positively, there are many cases where people feel compelled to move for various reasons, but cannot do so in a legal way and have no other opportunities than resorting to irregular migration. **We need to be cautious to avoid that this aim does not translate into increasing numbers of migrants falling between the cracks and becoming trapped or stranded in dangerous situations.**

- Under objective one, we welcome the underlined addition to the following action: *“Use administrative records, such as border records, visa, resident permits, population registers and other relevant sources, to produce migration-related statistics, while upholding the right to privacy and the protection of personal data, and avoiding negative profiling, discrimination and potential human rights violations”.*
- We notice that **references to corruption, access to justice and human rights protection for all were deleted** from action d), Objective 2 on the drivers of migration. These factors are among the most crucial drivers that compel people to leave their countries and we encourage to re-insert a reference to these factors.
- Under Objective 6 about decent work, we notice the following sentence has been deleted: *“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”.* While the new action (*“ensure recruitment processes result in work visas that are portable, allowing migrants to change employers, and modifiable, allowing migrants to change conditions or lengths of stay, with minimal administrative processes in order to prevent violations of human and labour rights and promote greater opportunities for decent work”*) remains along the same lines, **the previous formulation, which unequivocally committed to ending this practice – which leaves migrant workers extremely vulnerable – was much stronger and we encourage to re-insert this commitment.**



The **Mixed Migration Centre (MMC)** was established in **February 2018**. It brings together various existing initiatives working on data collection, research, analysis and policy development on mixed migration that the Danish Refugee Council (DRC), together with partners, has been hosting or leading in different regions. This includes the [Regional Mixed Migration Secretariat \(RMMS\) East Africa & Yemen](#), the [RMMS West Africa](#), the [Mixed Migration Platform \(MMP\)](#) in the Middle East, the

Global Mixed Migration Secretariat (GMMS) in Geneva and different programmes of the [Mixed Migration Monitoring Mechanism Initiative \(4Mi\)](#), which has monitors collecting data on mixed migration in over 20 countries across different migration routes globally, conducting over 10,000 in-depth interviews with migrants and refugees on the move annually. The MMC has teams in Geneva and in its regional hubs Amman, Dakar, Nairobi, Tunis and Kabul, where it works in close cooperation with regional partners, stakeholders and donors. The MMC is part of, and governed by DRC. While its institutional link to DRC ensures MMC’s work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector. MMC positions do not necessarily reflect the position of DRC.

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