

**ELEVENTH COORDINATION MEETING ON
INTERNATIONAL MIGRATION**

Population Division
Department of Economic and Social Affairs
United Nations Secretariat
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**INPUT TO THE ELEVENTH COORDINATION MEETING ON MIGRATION BY THE
UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES ¹**

United Nations High Commissioner for Refugees (UNHCR)

¹ The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

A. INTRODUCTION

1. This note has been prepared for the Eleventh Coordination Meeting on International Migration at UN Headquarters in New York. As requested by DESA, it highlights the United Nations High Commissioner for Refugees (UNHCR) contributions to the overall theme of the 2013 High-Level Dialogue on International Migration and Development (HLD) as well as to the themes of the four roundtables, as appropriate.¹ The overall HLD theme is ‘identifying concrete measures to strengthen coherence and cooperation at all levels, with a view to enhancing the benefits of international migration for migrants and countries alike and its important links to development, while reducing its negative implications’. As a founding member with IOM of the predecessor to the Global Migration Group (GMG), UNHCR has been working collegially with GMG members and in the frame of the UN High Level Committee on Programmes (HLCP) and the Chief Executives Board (CEB) to formulate, for consideration by the HLD, system-wide outcomes and recommendations on migration.
2. Amongst UNHCR priorities are: 1) continuing to encourage ‘protection-sensitive’ management of mixed migratory movements, 2) combating xenophobia, 3) advocating for the de-criminalization of irregular migration and against the arbitrary detention of asylum-seekers and refugees, and 4) enhancing labour mobility opportunities for refugees. Given space limitations, this note cannot cover the full range of UNHCR activities of relevance to the HLD.

B. PROTECTION-SENSITIVE MANAGEMENT OF MIXED MIGRATORY FLOWS

3. UNHCR acknowledges the heightened complexity of human mobility and the invariable intersection between refugee and broader migratory movements. A distinct legal framework governs the treatment of asylum-seekers and refugees that accords specific protections to them, notably protection from *refoulement*. UNHCR’s engagement in the debate on international migration is based on the fact that migration can offer opportunities for persons of concern.²
4. UNHCR has consistently underlined the importance of a rights-based approach to migration management, which upholds the rights and protects the welfare of all people irrespective of their status. UNHCR continues to draw attention to people with specific needs, including asylum-seekers, refugees, trafficked persons, unaccompanied and separated children and other groups travelling as part of mixed movements.³

5. UNHCR's key objective is to assist States in developing comprehensive and 'protection-sensitive' asylum and migration strategies. This means that such strategies incorporate activities in countries of transit and destination, based on a foundation of cooperation and burden sharing between interested States and other stakeholders. This also means that such strategies must take account of the protection needs of all persons with specific needs, including asylum-seekers, refugees, trafficked persons, unaccompanied and separated children and other groups traveling as part of mixed movements.
6. UNHCR's principal tool to assist States in operationalizing "protection sensitive" migration strategies, the '10-Point Plan of Action on Refugee Protection and International Migration (the 10-Point Plan)', was issued in 2006.⁴ The 10-Point Plan framework and methodology have formed the basis for the development of integrated regional refugee protection and migration strategies. Between 2008 and 2012, UNHCR and IOM organized with other partners a series of regional stakeholder conferences.⁵ They placed the interface between refugee protection and international migration on State political agendas and, often for the first time, provided a platform for dialogue on mixed migration challenges between stakeholders at regional level.
7. The conferences have led to a number of follow-up processes to implement their recommendations, including the institutionalization of cooperation between stakeholders to address the challenges of mixed movements.⁶ A compilation of practical examples issued in 2011, entitled *Refugee Protection and Mixed Migration: The 10-Point Plan in Action*, highlights a range of effective practices developed across each of the areas of the 10-Point Plan in various countries and regions.⁷
8. In the Asia-Pacific, a 'Regional Cooperation Framework' (RCF) on refugees, asylum-seekers and irregular movements has been adopted under the region's Bali Process.⁸ To support implementation of the RCF, a Regional Support Office has been constituted – consisting of staff from participating States as well as personnel seconded from UNHCR and IOM.⁹ The value of regional approaches has also been confirmed more broadly, for instance, through the various Regional Consultative Processes.¹⁰
9. Interagency cooperation on the ground is also a key to successfully addressing asylum and migration issues. The 'Praesidium Project' to strengthen the reception capacity for mixed arrivals at the Italian island of Lampedusa was one example of good cooperation between UNHCR, IOM, the Italian Red Cross and Save the Children to improve reception, identification, profiling and referral of mixed arrivals.¹¹ The Yemen Mixed Migration Task Force (MMTF), established following the Regional Conference in Sana'a in 2008 and chaired by UNHCR and IOM, is another good practice example of cooperation on a regional level.¹²

10. The cooperation between UNHCR and IOM to facilitate the return of migrant workers fleeing Libya in 2011 was critical to alleviate pressures on countries neighbouring Libya. UNHCR is also working closely with IOM in the Asia-Pacific region on the implementation of a foundation project on assisted voluntary return.
11. UNHCR has also developed and proposed a number of practical tools in its efforts to improve responses to distress-at-sea situations involving refugees, asylum-seekers and migrants: a “Model Framework for Cooperation”, Mobile Protection Response Teams, and Standard Operating Procedures for Shipmasters.¹³ These tools require further conceptualization and adaptation to a regional level, a process currently being explored in the Caribbean and the Asia-Pacific, amongst others.
12. UNHCR made particular contributions to the themes of roundtable 2: measures to ensure respect for and protection of the human rights of all migrants with particular reference to women and children, as well as to prevent and combat smuggling of migrants and trafficking in persons and to ensure orderly, regular and safe migration. For example, UNHCR continues to work to ensure that victims of trafficking (VOTs) in need of international protection are properly identified and have access to asylum procedures and appropriate redress and response mechanisms. A joint IOM-UNHCR project developed Standard Operating Procedures for the protection and assistance of VOTs, providing the basis for inter-agency cooperation in various regions.
13. UNHCR has also issued a number of important doctrinal positions and policy recommendations on the interface between refugee protection and international migration.¹⁴ Asylum and migration issues are an integral part of UNHCR’s daily protection work in many countries.¹⁵ The Office has been developing model framework agreements and other tools in response to specific challenges. A priority area is enhancing international cooperation in the context of rescue at sea situations involving refugees and migrants.¹⁶

C. COMBATING XENOPHOBIA

14. Racism and discrimination remain root causes of forced displacement and denial and deprivation of nationality. Also, racism, racial discrimination, xenophobia and related intolerance targeted at asylum-seekers and refugees, including those who sought international protection from such acts, continue to pose a major threat to the protection environment in many countries. In the context of the global economic crisis and anti-terrorist activities, asylum-seekers and refugees have increasingly been used as scapegoats for political, economic and social ills. Some politicians are exploiting

this fear to build anti-immigration platforms, often supported by media, that portray asylum-seekers, refugees, and immigrants more generally, as groups that bring crime, disease and unwelcome social behaviour into societies, threaten national identities, compete for jobs, and abuse welfare systems.

15. In December 2009, UNHCR issued a guidance note on combating racial discrimination, xenophobia and related intolerance, which provided advice on how to prevent and reduce discrimination affecting persons of concern to UNHCR.¹⁷ Since countering racism and xenophobia exceeds the capacity of UNHCR alone, the Office cooperates, for example, with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations human rights mechanisms, as well as with the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODHIR), to tackle these, and related human rights issues.

D. ADVOCATING FOR THE DE-CRIMINALIZATION OF IRREGULAR MIGRATION AND AGAINST ARBITRARY DETENTION

16. The arbitrary detention of asylum-seekers as a measure of deterrence is a problematic practice. Research shows that even the most stringent detention policies do not deter irregular migration. Moreover, the often adverse physical and psychological consequences of detention are well documented. UNHCR maintains that detention should, in principle, be avoided and only applied where it has been determined to be necessary, reasonable and proportionate in the individual case. There are other ways to address irregular migration – other than through detention – that take account of Government concerns about irregular migration and misuse of asylum systems as well as respect the particular circumstances and rights of the asylum-seekers concerned. UNHCR has embarked in a number of empirical studies aimed at building an understanding of alternatives to detention, such as community supervision schemes, bail/bond or reporting systems, which are less coercive and intrusive.
17. In September 2012, UNHCR issued 'Guidelines on the Applicable Criteria relating to the Detention of Asylum-Seekers and Alternatives to Detention', to guide Governments in their elaboration and implementation of asylum and migration policies which involve an element of detention, and decision-makers, including judges, in making assessments about the necessity to detain a particular individual.¹⁸

E. ENHANCING LABOUR MOBILITY OPPORTUNITIES

18. UNHCR significantly strengthened its engagement with the Global Forum on Migration and Development in 2012 through the secondment of a senior UNHCR staff member to the Mauritian Chair-in-Office to enhance expertise available on protection issues. UNHCR, in cooperation with the Chair-in-Office, sought to enable refugees to benefit from labour migration schemes. In this regard, it also co-organized a workshop in September 2012 on “Refugees and labour mobility with the International Labour Organisation (ILO). The workshop provided an important opportunity for states, international organizations, members of civil society and academics to discuss whether and how labor mobility could increase employment opportunities and freedom of movement for refugees. Participants also looked at how labor mobility could facilitate durable solutions without undermining protection principles.¹⁹

¹ UN General Assembly resolution A/C.2/67/L.15/Rev.1

² UN High Commissioner for Refugees, Refugee Protection and Durable Solutions in the Context of International Migration, 10 Number 2007, UNHCR/DPC/2007/032, available at : <http://www.unhcr.org/refworld/docid/4745a64f.html>.

³ “Mixed movements” (also sometimes referred to as “mixed migration”) involve individuals or groups of persons travelling generally in an irregular manner along similar routes and using similar means of travel, but for different reasons. They may affect a number of different countries along particular travel routes.

⁴ UNHCR, Refugee Protection and Mixed Migration: A 10-Point Plan of Action, January 2007, Rev.1, <http://www.unhcr.org/refworld/docid/45b0c09b2.html>

⁵ UNHCR, Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia - Selected Conference Materials, June 2011, <http://www.unhcr.org/refworld/docid/4e0d6be02.html>.

⁶ E.g., the “Mixed Migration Task Force” in Yemen following the conference in Yemen in 2008; a “Dar es Salaam Action Plan” following the conference in Tanzania in 2010; and the “Almaty Declaration” following the conference in Kazakhstan in 2010. See further UNHCR, Regional Conferences on Refugee Protection and International Migration in Central America, Western Africa, Eastern Africa and Asia - Selected Conference Materials, June 2011, <http://www.unhcr.org/refworld/docid/4e0d6be02.html>.

⁷ UNHCR, Refugee Protection and Mixed Migration: The 10-Point Plan in Action, February 2011, <http://www.unhcr.org/refworld/docid/4d9430ea2.html>.

⁸ UNHCR, *Regional Cooperative Approach to Address Refugees, Asylum Seekers and Irregular Movement*, November 2011, available at: <http://www.unhcr.org/refworld/docid/4e92d7c32.html>.

⁹ Further information available on the Bali Process Home Page at: <http://www.baliprocess.net/>.

¹⁰ E.g., the Puebla Process, the Mexico Plan of Action for Latin American Countries and the EC-UN Joint Migration and Development Initiative: See Chapter 1 “Cooperation among key partners”, in UNHCR, Refugee Protection and Mixed Migration: The 10-Point Plan in Action, February 2011, <http://www.unhcr.org/refworld/docid/4d9430ea2.html>. See also IOM, Regional Consultative Processes, <http://www.iom.int/jahia/Jahia/regional-consultative-processes>.

¹¹ For further information see “Italy: Strengthening the Reception Capacity to Handle Migrants Reaching the Island of Lampedusa (‘Praesidium Project’)”, in Chapter 4 “Reception Arrangements”, UNHCR, Refugee Protection and Mixed Migration: The 10-Point Plan in action, February 2011, <http://www.unhcr.org/refworld/docid/4d9430ea2.html>, page 113.

¹² The MMTF works to ensure a comprehensive and coordinated response by all concerned stakeholders to the protection and humanitarian needs of refugees, asylum seekers and migrants arriving on Yemen’s shores from the Horn of Africa. For further information see: *Yemen – Mixed Migration Task Force*, <http://www.mmyemen.org/home>.

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- ¹³ UNHCR, *Refugees and Asylum-Seekers in Distress at Sea - how best to respond?*, 5 December 2011, available at: <http://www.unhcr.org/refworld/docid/4ede0d392.html>.
- ¹⁴ UNHCR, *Protection Policy Paper: Maritime interception operations and the processing of international protection claims: legal standards and policy considerations with respect to extraterritorial processing*, November 2010, available at: <http://www.unhcr.org/refworld/docid/4cd12d3a2.html>; UNHCR, *Protection Policy Paper: The return of persons found not to be in need of international protection to their countries of origin: UNHCR's role*, November 2010, available at: <http://www.unhcr.org/refworld/docid/4cea23c62.html>. Further documents available at: <http://www.unhcr.org/refworld/migration.html>.
- ¹⁵ Including, e.g., training and border monitoring. See, e.g., UNHCR, *Protection Training Manual for European Border and Entry Officials*, 1 April 2011, available at: <http://www.unhcr.org/refworld/docid/4ddf40d12.html>. See also Chapter 3 “Protection sensitive entry systems” of UNHCR, *Refugee Protection and Mixed Migration: The 10-Point Plan in action*, February 2011, <http://www.unhcr.org/refworld/docid/4d9430ea2.html>, pages 86-88.
- ¹⁶ UNHCR, *Refugees and Asylum-Seekers in Distress at Sea - how best to respond?*, 5 December 2011, available at: <http://www.unhcr.org/refworld/docid/4ede0d392.html>.
- ¹⁷ UN High Commissioner for Refugees, *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*, December 2009, available at: <http://www.unhcr.org/refworld/docid/4b30931d2.html> [accessed 15 February 2013]
- ¹⁸ <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=505b10ee9&query=Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention>
- ¹⁹ UNHCR-ILO workshop on Labour Mobility for Refugees, Geneva 11-12 September 2012, <http://www.unhcr.org/pages/509a85da6.html>