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Globalization and interdependence

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report submitted to him by his Special Representative on Migration, Mr. Peter Sutherland, who has served in this role for more than 11 years. The report includes a forward-looking agenda for action and offers sixteen recommendations for improving the management of international migration through international cooperation.

The pioneering work of the Special Representative has helped to place migration and human mobility on the international agenda in ways that foster trust, cooperation, and progress. The report is grounded in the same basic principles that have informed his tenure — above all, it is rooted in a profound belief in the dignity of every human being.

The report's recommendations were developed over the course of nearly two years and were enriched by the ideas of many experts. The contributions of those experts are acknowledged in the annex of the report.

When the Special Representative fell seriously ill in September 2016, the recommendations of the report were already well established. In the following months, the members of his drafting team worked closely with senior officials and experts of the United Nations Secretariat to see the report through its final stages.

In the end, the report remains a statement of the Special Representative's personal perspective on the topics addressed, presenting his roadmap for improving the governance of international migration.

Report of the Special Representative of the Secretary-General on Migration

Summary

The present report was prepared by the Special Representative of the Secretary-General on Migration and submitted to the Secretary-General, as noted in General Assembly resolutions 70/302 of 9 September 2016 and 71/1 of 19 September 2016. The report makes recommendations for managing migration better through international cooperation. It is addressed to States, but offered as a contribution to all interested stakeholders. Drawing on the experience of the Special Representative of the Secretary-General on Migration, it is intended to inform the global compact on safe, orderly and regular migration, which States have committed to negotiate by 2018.¹ The report is organized in three sections: The introduction posits that, in the face of public concern, States will have a much better chance of reasserting control over who enters and stays on their territory if they work together, rather than unilaterally, thereby facilitating safe and legal migration, which is greatly preferable to migration forced underground. The second part of the report sets out an agenda for action, resting on three sets of commitments —between States and migrants, among States, and between States and other stakeholders— and five policy priorities: A) Managing crisis movements and protecting migrants in vulnerable situations; B) Building opportunities for labour and skills mobility; C) Ensuring orderly migration, including return; D) Fostering migrant inclusion and development benefits; and E) Strengthening governance capacities. The final section lays out recommendations for how willing coalitions of States, working with other stakeholders, can begin to tackle these priorities and gradually broaden the consensus on what a functioning international architecture for migration should look like in 2018 and beyond.

* A/71/251.

¹ In this report, the global compact for safe, orderly and regular migration is sometimes referred to as the 'global compact on migration' or the 'global migration compact'.

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I. Introduction

1. Without migration, our societies would never have achieved their current level of development. So it is neither surprising nor regrettable that in our time, when the human race has doubled its numbers in half a century, while travel and communications have become faster and easier, people are moving from country to country in ever greater numbers. Not only millions of individuals, but whole societies in all parts of the world, have thus been transformed. As development advances over the coming decades, more people will want to migrate, and will have more options to do so.² Many different factors influence their decisions, which makes it hard to predict who will move when, or where. Yet the structural factors driving migration—demographic imbalances, economic inequalities, conflict, disasters and the impacts of climate change—are all likely to persist, if not intensify. These trends will not be reversed any time soon. Migration is here to stay.

2. That reality is something we should recognise and plan for. Migrants make an important contribution to their new homeland: they do jobs that are needed, pay taxes, and often bring new ideas, which make for a more diverse and dynamic society. International migrants also contribute to their countries of origin. Generally, from soon after their arrival, they start sending money back to their families—more than half a trillion dollars in 2016—monies that build human capital and, when invested productively, can create wealth. Among those migrants who remain and succeed, some become investors in their countries of origin, bringing not only capital and trade, but ideas, skills and technology, and thus enabling those countries to become more integrated into the global community.

A. Real problems and how to solve them

3. Of course, these are broad generalisations. Migration is *generally* good news, but its benefits can take time to materialize, while many of the associated costs arise upfront. And there are inevitably individuals—indeed sometimes large social groups—for whom it is harmful. Their concerns can and must be addressed, not brushed aside. But that requires an effort, not only from governments but from society as a whole. Rather than playing on fears or exaggerating problems, we need to identify those problems systematically, and look for practical solutions.

4. Above all, it is in everyone's interest for migration to happen safely and legally, in a regulated rather than a clandestine way. The latter not only exposes other workers to unfair competition, provoking resentment and lowering overall standards of welfare, safety and hygiene, but also puts migrants at the mercy of unscrupulous employers and traffickers, who may subject them to the worst abuses—sometimes described as “modern slavery”, which is abhorrent to all mankind.

²Michael A. Clemens, “Does Development Reduce Migration?”, Institute for the Study of Labour (IZA), Discussion Paper No. 8592, October 2014, <http://ftp.iza.org/dp8592.pdf>.

5. Sadly, what has made the subject so topical in recent years is the unregulated movement of large numbers of people driven from their homes by war and brutal oppression, but also by natural disasters, famine and economic collapse. Their spontaneous arrival has been met by increasingly hostile public reactions, driven by the feeling that countries have lost control of their borders. Governments have to respond, and often they do so in a defensive way, building (or promising) walls and insisting on their sovereign right to decide migration policy as a purely national issue, without interference from others. Yet when migrants are crossing national borders,³ migration is also an *international* issue. States can and must help each other, working together both on the regional level and as a global community.

6. Forced migration and flows of refugees are perhaps the most difficult challenge to the international community. We have a duty to: (1) address the root causes of forced migration; (2) relieve the terrible suffering of the people forced to leave their homes; and (3) find solutions to their plight. On all three fronts, individual States and the UN have been failing. Last year, 2016, a great deal of energy was devoted to efforts to improve the global response, notably through a series of high-level international meetings.⁴ Rightly, the issue of large movements of refugees and migrants is at the top of the current political agenda. But we must not let it blind us to the continued importance of regular, organized migration — whether for work, study, or family reunification.

7. The United Nations has a role to play. It brings humanitarian relief to those in need and could help States develop and implement norms and policies that respond to, and affect migration; it helps develop institutional capacities and collects and analyses data, for example on population size and movements. It is also the primary forum where States can work together to forge political consensus on norms and standards of international behaviour.

8. That is why, in 2005, UN Secretary-General Kofi Annan appointed the first Special Representative on Migration, who would try to ensure that migration received the political attention that it deserved, and to help Member States adopt approaches that would benefit not only migrants but also the countries from which, to which and through which they move. For eleven years, I have had the honour to serve in this role, while the issue has become more and more prominent on the international agenda and in the public debate.

³Of course, much migration takes place *within* nation states, especially large ones. But this report focuses on *international* migration.

⁴These included: the “Supporting Syria” Syria IV Conference on 4 February; the Solutions Alliance Round Table on 9-10 February 2016; the UNHCR ministerial-level meeting on Pathways for Admission of Syrian Refugees on 30 March 2016; the Wilton Park Conference on new approaches to protracted forced displacement on 4-6 April 2016; the World Humanitarian Summit on 24-25 May 2016; the UN General Assembly’s high-level plenary meeting on addressing large movements of refugees and migrants on 19 September 2016; and the US Leaders’ Summit on Refugees on 20 September 2016.

B. Where things stand...

9. Much progress has been made over the last two decades: States have gained a better understanding of migration dynamics and policy options, and are more willing to discuss the issue in inter-governmental fora, thanks to the trust and confidence built through successive High Level Dialogues at the United Nations and informal dialogue at the Global Forum on Migration and Development (GFMD). Non-state actors are more willingly accepted as partners. There have been advances in norm-setting, such as with the Domestic Workers Convention, and the development of guidance by and for States in various areas of migration management. And the International Organization for Migration (IOM) has joined the United Nations system—a step that until quite recently was unthinkable, but is long overdue, and should strengthen both the IOM and the UN and benefit migrants.

10. In 2015, the leaders of all the UN's Member States agreed to the 2030 Agenda for Sustainable Development⁵ (2030 Agenda)—a set of universally applicable commitments (including the Sustainable Development Goals or SDGs and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development) for improving the lot of people and the planet, to be achieved by the year 2030. As an overarching principle, the Goals posit that States have a collective interest and responsibility to ensure that the most vulnerable people and populations— including migrants and refugees— are not left behind by economic, social and environmental progress. And, as a specific objective, in target 10.7, States commit to cooperate to “facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

11. Unfortunately, States tend to have quite different conceptions of what “well-managed migration” means in practice. Some would like it to mean *more* migration; others, no migration at all. Nonetheless, their interpretations must stay true to the spirit of the 2030 Agenda.

12. On 19 September 2016, world leaders gathered for a summit in New York to address “large movements of refugees and migrants”. In the resulting New York Declaration for Refugees and Migrants,⁶ States recognised the need to strengthen international cooperation on migration and initiated a two-year process for developing two global compacts: one on refugees and one on safe, orderly and regular migration, the latter to be endorsed at an intergovernmental conference in 2018. This gives States two years to clarify their responsibilities to each other, and towards migrants, as they seek to implement the 2030 Agenda. If ambition carries the day, as I hope it will, they will use the compact to set standards in key areas of migration governance, which they would pledge to respect, and wherever possible surpass, in national policies and bilateral and regional agreements.

⁵ A/RES/70/1.

⁶ A/RES/71/1.

C. ... and where they need to go

13. These two years must be used constructively to find just and practical solutions to the problems that all States face. The process of negotiating the global compact should involve all relevant parts of government — not only those that deal with international and development cooperation, but also interior ministries, which often have the last word in migration policy matters. The many *non*-governmental actors who help to shape migration today must also be allowed to participate in framing the compact, so that it will also be *their* compact, which they too have a responsibility to fulfil.

14. Above all, I urge all States, and indeed everyone with a role to play in migration processes, to not delay taking action, but to form coalitions now to advance shared priorities. By enlarging the circle of those who have an active stake, we better our chances of making the global compact the effective guiding framework for migration policy that it needs to be. I offer this report, with its sixteen detailed recommendations, as a road map to help States and their partners reach that goal.

II. Agenda for action

15. My road map revolves around three essential relationships that States will need to clarify and strengthen to better govern migration. I propose an agenda for action that rests on commitments between States and migrants, between States reciprocally, and between States and other stakeholders. These commitments must be embedded in the wider social contract between States and their citizens, key tenets of which —such as access to a legal identity, health, housing, life-long learning, decent work, gender equality, a clean environment, accountable institutions and a peaceful society— have been laid out in the 2030 Agenda. Especially at a time when rising inequality has frayed the bonds of solidarity within societies, leaving large swathes of citizens behind, fulfilling the migration-related goals of the 2030 Agenda must go hand-in-hand with realizing wider progress for all of society.

16. I see five policy priorities that States and stakeholders will need to tackle to deliver on the key migration-related promises of the 2030 Agenda: A) Managing crisis-related movements and protecting migrants in vulnerable situations; B) Building opportunities for labour and skills mobility; C) Ensuring orderly migration, including return; D) Fostering migrant inclusion and development benefits; and E) Strengthening governance capacities.

17. Together, these three sets of commitments and five policy priorities form the “scaffolding” on which I propose to build international cooperation and erect a global compact on migration by 2018. Like any scaffolding, it is far from complete, but meant to provide orientation, structure and a sense of what is possible.

A. Commitments of States towards migrants

18. States have obligations towards migrants and refugees under existing international law that they must implement. In addition, they have all signed up to politically binding commitments in the outcome documents of the second United Nations High-Level Dialogue on International Migration and Development (2013)⁷ and the 2030 Agenda (2015), as well as in the New York Declaration (2016). Some commitments, notably the promise to facilitate orderly, safe, regular and responsible migration, need to be more clearly defined before they can be meaningfully implemented. In an ideal world, migration should be borne out of choice. Given that often it is not, States need to have sound policies to: (i) protect migrants; (ii) give them the chance to migrate legally and safely; and (iii) ensure that, once arrived, they can play a full part in the society and economy that they have joined.

Protection

19. The most urgent task is to clarify the responsibilities of States towards migrants who are in vulnerable situations and may not be able to return home, but do not qualify for protection under the 1951 Refugee Convention.⁸ We need to overcome the facile binary approach that treats refugees as “good” (i.e. deserving help because they are forced to leave their country and deprived of its protection) and irregular migrants as “bad” (because they have made their own decision to move, without due regard for legal process). Reality is far from being so clear-cut and there is a large grey area between those who flee literally at gunpoint and those whose movement is entirely voluntary.

20. States have already shown that they can be quite nimble in working around the letter of the Refugee Convention, sometimes by expanding its scope: for instance, war refugees are now generally given protection without having to prove that they face a threat of persecution as individuals — though the protection they receive often comes with restrictive conditions, such as having to live in camps, and sometimes they are sent home prematurely, before it is really safe to return. Similarly, people who do not qualify for political asylum but are vulnerable for other reasons, such as illness, are often allowed to stay. And victims of natural disasters are sometimes given temporary protection, so that they can escape devastation and then support their home country’s recovery from abroad.

21. This flexibility should continue, but we need to go further and reach a strong international consensus on what kind of protections States owe to migrants when their governments are unable or unwilling to protect them

⁷ A/RES/68/4.

⁸ Article 1 of the 1951 Convention Relating to the Status of Refugees defines a refugee as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” <http://www.unhcr.org/en-us/3b66c2aa10>.

from crises and life-threatening circumstances caused, for instance, by State failure, by generalised violence that has not risen to the level of armed conflict, or indeed by the effects of climate change. There are building blocks in the form of existing guidance elaborated by States, such as the Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (MICIC Guidelines)⁹ and the Nansen Initiative's Protection Agenda,¹⁰ developed through a series of regional consultations on how to protect people fleeing natural disasters. The Global Migration Group's non-binding guiding principles and guidelines on migrants in vulnerable situations form another useful contribution.¹¹

22. We also need to make sure that protection commitments translate into actual assistance to people who need it —be they trapped in countries in crisis, stuck in transit, or on dangerous journeys. International organizations should help States strengthen their consular services and operate a global network of assistance centres for migrants, including those in such situations. In particular, States must provide a continuum of care and support for all unaccompanied and separated migrant children, including child victims of trafficking, to ensure they have access to key services, family tracing, and well-functioning, professional guardianship systems.

Opportunity

23. States have no obligation to open their borders to all migrants, but they do have an interest in seeing migration occur legally and safely, respecting the human rights of migrants. To achieve this, each government needs to work out, and articulate clearly, on what terms it will allow migrants to enter, stay and work or facilitate their departure and return —in other words, its migration policy.

24. Not all migrants need be admitted on a permanent basis. Many, indeed, will want to earn money for a time and then return to their life at home. Others can be given incentives to go home after an agreed work period, for instance by making a share of their wages contingent on return, or by offering them the chance to re-enter after spending a period at home. Letting people move back and forth between a poorer country and a richer one, also referred to as circular migration, is in fact, a very effective way of reducing poverty.

25. But simply letting people in, or encouraging them to find work abroad, is not enough. They need to be able to move at an affordable cost, and to live and work in acceptable conditions. High upfront fees make it difficult for poor people to migrate, leading some to borrow money at exorbitant rates and leaving them vulnerable to exploitation and human trafficking. Too often, corrupt officials profit in the process, undermining State authority and citizens' trust in the functioning of institutions and their ability to uphold the law. Countries of origin and destination also have an interest in ensuring

⁹ https://micicinitiative.iom.int/sites/default/files/document/MICIC_Guidelines_english_web_13_09_2016.pdf

¹⁰ <https://www.nanseninitiative.org/protection-agenda-consultation/>.

¹¹ <http://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>.

that migrants have the right skills to do the jobs available, and that their skills are recognised —otherwise employers and migrants lose out, productivity is reduced, and migration policy undermined. Similarly, if the rights and dignity of migrant workers are not respected, not only they but also native workers suffer, sometimes finding themselves excluded from whole sectors of employment which fall below minimum standards of pay and conditions of work.

Inclusion

26. With the 2030 Agenda, States have pledged to leave no one behind, including migrants and refugees. Migrants whose rights are respected, who enjoy a decent standard of living, and who can apply their skills, contribute more to their destination societies and to their countries of origin. States thus have both an obligation and an interest in ensuring that migrants' rights are protected —for instance the right to be paid a fair wage, to have a legal identity, and to send their children to school. But States can only offer migrants genuine opportunities if society as a whole welcomes them and is willing to invest in making migration a success. Much depends on whether societies see migration as essentially a short-term economic transaction, or as a way to acquire new citizens. It is therefore vital that, in planning their migration policy, national governments involve other parties with a stake in the outcome —including parliaments, local governments, employers, trade unions, immigrant community leaders, youth organizations, schools and universities.

27. One of the main problems with accepting newcomers is that it tends to generate costs upfront, while benefits come later on.¹² Furthermore, the costs are often unequally distributed, with some parts of the workforce (usually less skilled workers and recent immigrants) and some neighbourhoods more affected than others. And, some people, especially perhaps older people, for whom the sheer pace and scale of change may be bewildering, may begin to feel like a minority in their own country. States can alleviate these concerns by actively compensating those in danger of losing out, e.g. by retraining and supporting displaced native workers, and expanding public services in affected communities. They should require and help immigrants to learn the country's language. They may also withhold some rights from migrants whose stay is temporary, reserving full solidarity and privileges for those who become long-term residents or citizens. But “temporary” labour migrants must not be allowed to morph into a permanent

¹² For example, a 2016 OECD study of integration in Sweden — where 16 per cent of the population is foreign-born —shows that while the labour market outcomes of recently arrived refugees are lackluster, they improve over time. The children of immigrants are generally well integrated, despite the challenges faced by their parents. It concludes that Sweden's integration policies are working, but results take time to materialize. See: <http://www.oecd.org/sweden/working-together-skills-and-labour-market-integration-of-immigrants-and-their-children-in-sweden-9789264257382-en.htm>. For a comprehensive review of evidence on the impacts of immigration in the US: National Academy of Sciences, “The Economic and Fiscal Consequences of Immigration”, 2016, <https://www.nap.edu/catalog/23550/the-economic-and-fiscal-consequences-of-immigration>.

underclass. Anyone who is allowed to remain in the country for more than a specified time must also be allowed to graduate to a permanent legal status.

28. Accepting immigration does involve costs, but so does refusing it. Countries that do not acknowledge their reliance on migrant labour, e.g. by creating legal avenues for people to come, end up encouraging unauthorized migration. Nations which fail to recognise that they have become “immigration countries”, with migrants there to stay, later find that they have problems with the children and grandchildren of immigrants, who feel they are treated as outsiders despite the fact that they were born in that country. And, ageing societies, which refuse to welcome new people may face economic stagnation.

B. Commitments between States

29. By including a number of migration-related targets in the 2030 Agenda and adopting the New York Declaration, States have begun to acknowledge that managing international migration is a shared responsibility, which they must work together to discharge. I see four areas in particular where States need to cooperate to make good on their commitment to facilitate migration that is safe, regular, orderly, and responsible:

Crisis migration

30. States must agree on how to address large crisis related movements, not only to save people on the move from death or suffering, but also to avoid the corrosive effect that ad hoc responses have on our political institutions and the public’s trust in them. Sadly, despite examples of successful regional solutions,¹³ States have so far failed to find a sustainable answer to this problem. As migrants have scrambled to reach safety in different parts of the world, the response from States has too often been a “race to the bottom”.

31. The model that is now emerging is that some States are helping to prevent migrants from moving to developed countries —by agreeing to keep their doors open, or to quietly deter and detain them— in exchange for greater development and economic assistance. While some such arrangements may be needed as part of a broader compact, deterrence is not a sustainable solution. Forcing people back into transit countries usually has ripple effects down the line: people are returned to countries that are unsafe, or prevented from leaving them in the first place. Such policies undermine respect for human rights and place further strain on already fragile States, thereby running the risk of weakening the collective security of all States.

¹³ There have been several regional responses to refugee and migratory crises, including the Comprehensive Plan of Action for refugees fleeing countries in South-East Asia (1989-1997), the International Conference on Central American Refugees which supported livelihood opportunities for refugees and internally displaced persons and host communities (1987 to 1994), and the Commonwealth of Independent States conference on refugees and migrants addressing involuntary population movements (1993 to 2005).

32. States have acknowledged, in the New York Declaration, that they can only hope to curtail irregular migration, with all its attendant risks, if they provide alternative, legal pathways for migrants. To do this, they must work together, as well as enlisting the help of civil society and the private sector. Facilitated and free movement regimes within regions can make it easier for people to leave countries in crisis legally and safely.¹⁴ But States have also pledged to reach a common understanding at the global level on who needs international protection, and to embody this in guiding principles on migrants in vulnerable situations. These may in time develop into a global “soft law” framework, which in turn can serve as a basis for more formal and binding legal instruments at the global, regional and national levels. Meanwhile, States urgently need to equip themselves to better protect people on the move and ensure that they are properly identified and received.

Labour and skills mobility

33. The fundamental problem with which any effort at governing migration today must grapple, is that there are many more people who want to migrate, especially young, low skilled people, than there are opportunities for them to do so in a safe, regular and orderly way. Many developed and developing countries struggle to employ their youth. Yet, while States in all parts of the world seek to attract skilled and/or wealthy migrants, few opportunities exist for less skilled ones. Young people, including university graduates, often lack the foreign language and technical skills employers are looking for; or their skills may not be recognized in another country because of different education, training and certification systems.

34. Demographic imbalances between different parts of the world will intensify, most prominently between a young Africa, expected to double its population (to 2.4 billion people) by 2050, and an ageing and shrinking Europe projected to lose about 30 million of its 738 million people by then. It should, therefore, be a shared priority—for States that need labour and those trying to create opportunities for their youth—to equip more people who would like to migrate with the skills they need to find legal employment abroad, and to ensure that those skills are transferable across borders while at the same time redoubling efforts to create jobs and opportunities at home.¹⁵

¹⁴ In at least two cases – Liberian and Sierra Leonean refugees in the Economic Community of West African States (ECOWAS) and Colombian displaced persons in the Mercado Común del Sur (MERCOSUR) – existing free movement protocols have been formally used to facilitate refugees’ labour migration. In the EU, regional free movement has been a safeguard for citizens of countries undergoing economic crisis (e.g. Greece, Spain). Bilateral trade agreements including favourable labour market access have been used to similar effect, e.g. between South Sudan and Uganda, and Sudan and Egypt. See: Katy Long and Sarah Rosengaertner, “Protection through Mobility: Opening Labour and Study Migration Channels for Refugees”, MPI Report, October 2016, p. 12; <http://www.migration-policy.org/research/protection-through-mobility-opening-labor-and-study-migration-channels-refugees>.

¹⁵ Addis Ababa Action Agenda of the Third International Conference on Financing for Development (A/RES/69/313), paragraph 111; http://www.un.org/esa/ffd/wp-content/uploads/2015/08/AAAA_Outcome.pdf.

35. As of today, the migrant workers best-placed to move safely and legally are those entitled to freedom of movement within a region, such as the EU and MERCOSUR. But such agreements require a high degree of coordination and harmonization among the participating States, which need to have confidence in each other's standards and national institutions. Different regions have made varying degrees of progress in this direction, usually starting with making movements easier for the highly skilled.¹⁶ Lower-skilled workers generally have to rely on channels offered by the receiving State unilaterally, or under bilateral agreements.¹⁷ Our goal should be to harmonize conditions for migrant workers across corridors and skill levels, and to make it easier for States to negotiate and implement labour migration agreements, based on global model agreements and supported by ongoing policy dialogue, with employers and other relevant stakeholders.

36. Managing labour movements through bilateral and regional agreements would allow destination countries to control who enters and under what conditions, while also making labour supply more predictable, and giving countries of origin a stronger incentive to cooperate in curbing irregular migration and in facilitating returns of their nationals.

Orderly migration, including return

37. A continued priority for States will and should be to improve cooperation on reducing irregular movements and dismantling criminal networks that have made a business out of smuggling migrants or trafficking people, exploiting their desperation and the search for a better life. As public pressure to be tough on "illegal immigration" is mounting, States should, however, heed the lessons from fighting other forms of illicit trade and avoid the criminalization of victims and reliance on border and law enforcement *only*. Bilateral, regional and inter-regional partnerships and cooperation platforms on migration can provide valuable venues for building trust and capacities. The UN also has an important role to play in ensuring that State practice and cooperation regarding irregular migration, human trafficking and migrant smuggling are guided by and adhere to

¹⁶ Some regional integration agreements allow for the mobility of persons (not only workers) in general (e.g. the EU, ECOWAS), while others provide for the free mobility of labour in general (e.g. MERCOSUR) or of certain types of labour, usually higher skilled workers (e.g. ASEAN, NAFTA, CARICOM). Yet others are limited to offering simplified procedures for entry and temporary stay related to trade and investment activities (e.g. APEC Business Travel Card). See: IOM Background Paper, International Dialogue on Migration, Intersessional Workshop on "Free Movement of Persons in Regional Integration Processes", 18-19 June 2007; https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/IDM/workshops/free_movement_of_persons_18190607/idm2007_backgroundpaper_en.pdf.

¹⁷ Such agreements come in the form of employment treaties, labour agreements, recruitment treaties, migration agreements, and agreements for exchange of labour. They can take the form of intergovernmental agreements, protocols of agreements, memoranda of understanding, memoranda of agreement, and national policy regulations. BLAs set out each country's commitments, which may include quotas and the length of the stay. Source: World Bank "Let Workers Move: Using Bilateral Labor Agreements to Increase Trade in Services", June 2013. <https://openknowledge.worldbank.org/bitstream/handle/10986/15800/786840PUB0EPI10Box0377351B00PUBLIC0.pdf;sequence=1>.

international law, including human rights and refugee law, and do not undermine the right to seek asylum.

38. Return, readmission and reintegration are essential elements of a well-ordered migration system. When a migrant does not have the legal right to remain in a country of destination —whether because they arrived or stayed irregularly, because their legal stay was on a temporary basis (e.g. as a seasonal worker), or because— after a fair hearing —their application for asylum has been denied, it is within a State’s discretion to remove that person from its territory. When this happens, countries of origin have an obligation to recognise and admit their nationals, out of respect both for migrants’ human rights and for the principle of reciprocity of obligations among States.

39. Yet, when sending people back becomes the primary goal in destination countries, negotiations with countries of origin can easily descend into a standoff, or an exercise of mutual blackmail. Further, making unrelated areas of cooperation, such as trade and development aid, contingent on a country’s cooperation in the return and readmission of migrants is short-sighted and wrong, and may actually strengthen some of the underlying drivers of irregular migration. Instead, we need more open and frequent communication between countries in order to foster understanding of States’ differing interests and arrive at compromises that can be respected by all sides.

40. States should work towards agreeing on guiding principles in this area, including better monitoring of returns and of how migrants fare after being returned. This should help improve reintegration assistance, so that it fits with national and local development planning and responds to the needs of the communities to which migrants are being returned. In this way, money spent on reintegration is more likely to have the intended effects.

Governance capacities

41. Good governance of migration is built simultaneously from the bottom up and from the top down: from equipping local governments with the necessary prerogatives and resources for integrating newcomers, to designing international fora and partnerships that can facilitate policy coordination and convergence in critical areas. Indeed, progress is likely to hinge on a combination of involving those directly affected and responsible for policy implementation, while agreeing on common minimum standards, principles and approaches that should apply across the board. The latter provides predictability for inter-state cooperation, based on clearly articulated mutual expectations and responsibilities, and for migrants, whose rights must be protected wherever they happen to move in the world.

42. What is in the collective interest —and well-managed migration clearly is— should also be collectively funded. All UN Member States have agreed to a set of shared priorities in the 2030 Agenda (2015) and in the New York Declaration (2016). If all States and regions are to deliver on these, many will need help. In the area of trade policy, this has been done through a specific “funding envelope” called Aid for Trade. In the area of climate change, an elaborate system of financing vehicles exists to support

adaptation and mitigation in developing countries. Similarly, we need a dedicated financing facility to support capacity development for the implementation of migration-related international commitments. Among other advantages, such a mechanism would make it easier to ensure that financial contributions from non-state actors such as business and philanthropy complement and are aligned with the efforts made by governments, development banks and the UN system.

C. Commitments between States and other stakeholders

43. States are not the only decision makers on migration. Family ties, diaspora networks and the private sector are driving much of international migration. Communication technologies and both legitimate and illicit intermediaries help migrants plan their journeys across international borders. Civil society has been a great source of hope: In the face of widespread hostility towards migrants and refugees, private citizens, NGOs and businesses are responding with an admirable display of solidarity and mobilisation. They rescue people at sea; help with the reception and integration of refugees and migrants in local communities, sometimes by hosting them in their homes; offer legal aid, so migrants can claim and defend their rights; provide translation services, language learning, training and internship opportunities; and much more.

44. Governments, including local authorities who are often at the forefront of integrating new arrivals, can and must harness the outpouring of voluntary activism for the long-run by putting in place the necessary support structures and partnerships. This should include support for more systematic exchanges and peer-learning among local governments, as well as inclusive policy coordination processes at the national level to ensure that relevant stakeholders have a say in the formulation of migration-related policies. At the global level, successful public-private alliances, such as the GAVI (the global vaccines alliance), for example, can serve as inspiration.

Protection

45. A priority for State-civil society cooperation should be expanding opportunities for citizens to support refugees and people trapped in countries in crisis directly, including through private and community sponsorship initiatives. Not only will this make it possible for more of these people to move legally to a place of safety; it can encourage a broader shift in public attitudes towards newcomers by giving communities in the host society a sense of agency, allowing them to take initiative and responsibility as a community, rather than seeing themselves as passive recipients of an influx of strangers.

Opportunity

46. Another priority is organizing a multi-stakeholder effort to develop young people's skills at all skill levels, ensuring that they are in line with employer demands and recognised across borders. This will require partnerships not just between national governments but with local and regional authorities, employers, trade unions, education and training

institutions and professional associations that govern licensing requirements, for example. I propose a global multi-stakeholder platform on skills and mobility for employment to foster such partnerships and to facilitate learning and convergence of policy and practice across countries.

Inclusion

47. One critical constituency to more systematically engage to promote migrant inclusion are technology companies and entrepreneurs, who have developed innovative ways of providing migrants access to information, services and learning opportunities. Partnerships where technology has a critical role to play should be encouraged, including to explore ways of giving migrants access to a proof of legal identity, to cheaper ways of sending money home and to financial education and services.

III. Recommendations

48. In this section, I present my 16 detailed recommendations, which seek to make *practical* suggestions on how States, with the help of others, can advance the above outlined agenda for action, starting *now*, to arrive at a global migration compact in 2018 that will tangibly improve their collective handling of international migration; deliver on the 2030 Agenda; and improve outcomes for migrants, their families, and the communities in which they live.

A. Managing crisis-related movements and protecting migrants at risk

Recommendation 1: Develop global guiding principles on migrants in vulnerable situations, including migrant children

49. As States have requested in the New York Declaration for Refugees and Migrants (paragraph 52), I pledge my full support to the development of guiding principles on the treatment of migrants in vulnerable situations, including the protection of migrant children in such situations.

50. I propose that this effort start now, by commissioning an **Independent Expert Panel** which will: a) develop a working definition of “migrants in vulnerable situations”; and b) provide an overview of the applicable international legal frameworks and non-binding instruments, and identify where protection gaps currently arise in law and in practice.

51. With those findings in hand, States should embark now in 2017, on a set of **regional consultations, where possible in conjunction with the preparations for the global migration compact**. These consultations should identify gaps in regional protection frameworks and propose ways to address those gaps. Ideally, the guiding principles will be adopted as part of the global compact on migration in 2018.

52. **I further call on States and other stakeholders to act on their international legal obligations towards migrant children by:**

a) **Developing standards for the treatment of unaccompanied and separated children**, based on the “Safe and Sound” guidelines developed by UNHCR and UNICEF in 2014 to help states in Europe fulfil their child protection responsibilities. I encourage UNICEF and UNHCR to develop such guidelines for other regions of the world by 2018¹⁸ for inclusion in the guiding principles on migrants in vulnerable situations.

b) **Ending the detention of migrant children and their families** for reasons of their migration status,¹⁹ and drawing on the work of the Inter-Agency Working Group to End Child Immigration Detention to help States adopt rights-focused care alternatives to detention.²⁰

Recommendation 2: Expand access to consular protection and assistance in transit

53. Migrants, regardless of their nationality, should have access to quality consular protection and assistance in transit. **I call on States, in cooperation with IOM, as needed, to:**

a) **Establish a technical assistance programme**, in coordination with the State-led Global Consular Forum,²¹ to help States build their consular capacities; promote arrangements for providing consular services collectively, where individual States lack capacity;²² and develop a model agreement on consular assistance between migrant countries of origin and destination.

¹⁸ Other tools include the Separated Children in Europe Programme, SCEP Statement of Good Practice, March 2010, 4th Revised Edition, <http://www.refworld.org/docid/415450694.html>. Efforts are underway to also make this document applicable to regions outside Europe.

¹⁹ The Convention on the Rights of the Child holds that the detention of a child may only ever be used when it is found to be in the best interests of the child. In February 2013, the UN Committee on the Rights of the Child argued that such detention is never in the child’s best interest. This has now been supported by an overwhelming number of UN treaty bodies and special procedures and a growing body of jurisprudence (for example, Inter-American Court for Human Rights, Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, Advisory Opinion OC-21/14, 19 August 2014). Ending the detention of children is also an explicit aim of the UNHCR’s global “Beyond Detention” strategy to support governments to end the detention of asylum-seekers and refugees (2014-2019) (see: <http://www.unhcr.org/53aa929f6.pdf>) In the New York Declaration, States committed to “work towards the ending of this practice.” (para. 33).

²⁰ Such efforts should also draw on the good offices of the Special Rapporteur on the Rights of Migrants.

²¹ The Global Consular Forum is an informal grouping of 35 countries that sprang from a 2013 Wilton Park Conference and now meets biennially at senior officials-level to discuss a range of consular challenges, including as they relate to migrant workers and diaspora relations. See: <http://globalconsularforum.com/mission-overview/>.

²² Examples of such consular cooperation include the sharing of consular services among Commonwealth States, the co-location of consular services by Germany and France; and shared consular coverage among EU member states. See: George Haynal, Michael Welsh, Louis Century & Sean Tyler, “The Consular Function in the 21st Century: A report for Foreign Affairs and International Trade Canada”, Munk School of Global Affairs, University of Toronto, March 2013.

- b) **Build a network of migrant assistance centres along major transit migration routes**²³ that would identify the needs of migrants in transit as early as possible, provide migrants with information on safety issues along migratory routes, inform them about their rights, obligations and entitlements in countries of transit and destination, and expand migrants' access to social, health and legal services.

Recommendation 3: Expand legal pathways for people fleeing countries in crisis

54. With a record number of deaths in the Mediterranean alone in 2016 our goal must be to offer alternatives to the dangerous routes that migrants currently rely on to reach safety. We must also undercut the criminal networks that thrive on their smuggling, abduction and exploitation. **I call on States to expand the use of humanitarian admissions and legal migration opportunities for study, work and family reunion, to help people fleeing countries in crisis move safely and promptly to places where they can be protected.**

55. **In particular, States should:**

- a) **Establish in-country processing for resettlement or humanitarian visa programmes**, allowing those who face an immediate threat to be resettled without the need for taking dangerous routes to flee their country. (see also 56c below).
- b) **Pledge funds for the newly created Emergency Resettlement Country Joint Support Mechanism (ERCM)** —led by IOM and UNHCR— which provides technical and financial support to countries that are willing to offer humanitarian access to their territory, but may not be able to sponsor those seeking protection.
- c) **Scale-up and develop programmes for privately sponsored resettlement**, taking inspiration from the Canadian private sponsorship model for refugees, which the Government of Canada in partnership with UNHCR and the Open Society Foundations, is offering to help replicate with other countries.²⁴
- d) **Make use of temporary work visas and seasonal worker programmes in responding to natural disasters and the effects of climate change.**²⁵ Some countries provide short-term visas for citizens

²³ Such a network could be modelled on existing good practice such as in Mexico, where several UN entities (IOM, UNHCR, UNDP, UNFPA, UNICEF, UNODC, UN Women, WTO) supported by the UN Trust Fund for Human Security have been working with national and local authorities, civil society, and migrants, to develop a comprehensive framework for the safety of migrants in transit, including engagement of the communities they move through. See: <http://www.un.org/humansecurity/country/mexico>.

²⁴ <http://www.cbc.ca/news/politics/private-refugee-sponsorship-soros-un-1.3769639>.

²⁵ For example, after the Haiti earthquake the United States made Haitians eligible for its H-2 temporary work visas. See: <http://www.cgdev.org/initiative/migration-tool-disaster-recovery>; Australia's Seasonal Workers Program (SWP) and New Zealand's Recognized Seasonal Employer programme, by way of creating temporary work opportunities for Pacific Islanders affected by the impacts of climate change, may indirectly contribute to household adaptation on the islands involved. See: <http://www.icesi.edu.co/revistas/index.php/precedente/article/view/1724>.

from countries affected by natural disasters. By sending back remittances, these migrants can contribute to the recovery of their home country. Such programmes could also be used pre-emptively, to assist people whose livelihoods are threatened by the effects of climate change, such as rising sea levels or desertification.

56. **The United Nations should** use the convening power of the Secretary-General to engage universities and academic networks, technical and vocational training providers, States and private foundations to **expand scholarships and student visas for higher education and vocational training for students from countries in crisis**, by helping to map and coordinate current scholarship offers²⁶ and to foster dialogue with immigration authorities and national legislatures to advocate for more student visas and address attendant concerns. Such efforts could draw on the successful experience of the DAFI scholarship programme, operated by UNHCR in cooperation with the German Government.²⁷

B. Building opportunities for labour and skills mobility

Recommendation 4: Reduce recruitment costs and abuses of migrant workers

57. Despite the efforts of some labour-sending countries, high fees and fraudulent practices in international labour recruitment remain widespread. Costs are highest for low-skilled migrant workers who often take on debt to finance their move, making them vulnerable to exploitation. To address this pernicious problem, **I recommend action on four fronts:**

- a) **Help prospective migrants secure finance at non-exploitative rates, e.g. through partnerships between banks and local NGOs** that make formal financial services more accessible, especially in poor rural areas. For example, in Bangladesh, the organization BRAC has developed a ‘migration loan’ specifically for Bangladeshi migrant workers and their households.²⁸
- b) **Align national laws, policies, and regulations; bilateral and multilateral agreements; and voluntary codes of conduct²⁹ with ILO’s General Principles and Operational Guidelines for Fair Recruitment.**³⁰

²⁶ For example, the Institute of International Education (IIE) has established a consortium of colleges and universities providing scholarships for Syrian students (See: Institute of International Education (IIE) Syria Consortium for Higher Education in Crisis, “Impact and Year Four Plans,” www.iie.org/Programs/Syria-Scholarships/Impact-and-Year-Four-Plans#.V3mnZfkrLIU).

²⁷ <http://www.unhcr.org/en-us/dafi-scholarships.html>.

²⁸ <https://brac.net/microfinance-programme/item/858-migration-loans>.

²⁹ Existing voluntary codes of conduct and/or certification schemes include: IOM’s International Recruitment Integrity System (IRIS); Verite and Manpower Group’s “An Ethical Framework for International Labour Recruitment”; the Dhaka Principles of the Institute for Human Rights and Business, and the Alliance for Ethical International Recruitment Practices.

³⁰ http://www.ioe-emp.org/fileadmin/ioe_documents/publications/Policy%20Areas/migration/EN/_2016-09-20_C-570_ILO_Experts_General_Principles_Operational_Guidelines_for_Fair_Recruitment_draft_.pdf.

c) **Monitor and enforce compliance with recruitment regulations.** Governments should hold employers (at destination) or the principal recruiter (in the country of origin) accountable for violations in their labour supply chain, including by providing incentives for compliance such as requiring the employer to demonstrate adherence to labour and recruitment standards as a prerequisite for access to visas for temporary workers.³¹ Governments or industry bodies should monitor recruiter performance for a specific migration corridor or sector, e.g. by maintaining a public database and establishing a **transparent rating system** to orient employers and migrant workers in their choice of a labour broker.

d) **Promote consolidation and professionalization in the recruitment industry,** reigning in the maze of sub-agents that are often involved, with the aim of turning (public and private) recruiters into comprehensive “one-stop shops” for employers and migrants, offering comprehensive services, including training and skills certification, job placement and travel arrangements.³²

Recommendation 5: Strengthen the architecture to govern labour mobility

58. The search for employment and higher incomes is driving much of today’s migration. Enabling legal migration for the purpose of work will thus be critical for realizing the goal of safe, orderly and regular migration. Countries with growing populations and a surplus of young job-seekers, and countries that will soon suffer from labour shortages need to strike a deal.³³ If well developed, this will not only make economic but political sense, too.

59. To this end, I recommend:

a) **Ensuring coherence at the national level** between bilateral and regional agreements pertaining to the movement of workers, national labour market policies, migration policies, and other relevant policy areas, such as health or agriculture. Key stakeholders, including employers, trade unions, training institutions and migrants must be consulted in developing labour migration related strategies. In this regard, it is crucial that labour migrants be allowed **to form workers’ associations and join trade unions.**

b) **Forming a global alliance of labour sending states** to advance shared priorities when it comes to negotiating issues such as minimum standards for labour protection and model bilateral labour agreements, or return and reintegration.

³¹ Jennifer Gordon, “Global Labour Recruitment in a Supply Chain Context”, ILO 2015. http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_377805.pdf.

³² Philip Martin, “Managing Merchants of Labor: Recruiters and International Labor Migration”, Oxford University Press, forthcoming.

³³ A blueprint for how such partnerships could be designed to mutual benefit has been developed by Michael Clemens at the Center for Global Development. See: “Global Skill Partnerships: A Proposal for Technical Training in a Mobile World”, CGD Policy Paper 40, 2014. <http://www.cgdev.org/publication/global-skill-partnerships-proposal-technical-training-mobile-world>.

c) **Working towards a global framework for managing labour migration, including a model employment contract for migrant workers and model bilateral and regional labour migration agreements.**

d) **Creating a multi-agency support structure now, in 2017, to facilitate labour mobility and advance consensus building ahead of 2018**, drawing on the complementary expertise of ILO, IOM, OECD, and the World Bank to provide States with dedicated expert capacity to facilitate the negotiation, implementation and monitoring of bilateral, regional and (possibly) global agreements on labour migration.

e) Building on this proposed inter-agency support structure, **establish a global multi-stakeholder platform on skills and mobility** for employment that would develop and review policies and tools on all aspects of labour mobility, including strategies for skills development, labour and skills matching, recruitment, skills assessment, certification and recognition at all skills levels, negotiation and implementation of labour migration agreements, and the portability of earned benefits.³⁴ With time and sufficient momentum, it could **develop a dedicated forum to negotiate labour migration agreements.**³⁵

C. Ensuring orderly migration, including return

60. Orderly migration depends on providing expanded pathways for legal entry, both for migrants fleeing crisis situations and for those seeking work abroad, and on ensuring that would-be migrants have access to information about the opportunities available to them. After arrival, States can promote an orderly process of migration by fostering the inclusion and integration of migrants within host societies (see next section). For migrants who choose not to stay in the host country or who lack the authorization to do so, an orderly process of migration also requires effective mechanisms for their safe and speedy return and reintegration.

Recommendation 6: Improve access to information and visa facilitation

61. **All States should set clear and transparent admission targets by visa category**, informed by labour market and humanitarian considerations. They should make information about each visa category, such as the conditions of entry, stay and employment, easily accessible by posting them online in different languages, alongside information on the application process. Making it easier to apply for and obtain visas, and granting more

³⁴ See also recommendation 8. The platform could be modelled on inclusive such bodies in other fields, e.g. the UN's Committee on World Food Security (CFS), relying on a multi-agency secretariat for technical support, and an expert panel feeding labour market related data and research into its discussions. See: <http://www.fao.org/cfs/cfs-home/about/en/>.

³⁵ Lant Pritchett and Rebekah Smith, "Is there a Goldilocks Solution?: 'Just Right' Promotion of Labor Mobility in a Post-2015 World", CGD Policy Paper 094, November 2016. <http://www.cgdev.org/publication/goldilocks-solution-just-right-promotion-labor-mobility>.

multiple entry visas, could help reduce the pressure for aspiring migrants to embark on dangerous journeys.

Recommendation 7: Develop global principles on return, readmission and reintegration

62. Return is an integral part of a functioning migration system, but the way it is currently handled is often detrimental to both migrants and relations among States. Whether people are returning voluntarily, either on their own initiative or with State assistance, or are being forcibly removed, their human rights must be respected. Reintegration programmes should be aligned with national and local development strategies and the needs of the communities to which migrants return.

63. **I call on States** to utilize existing fora such as IOM, the GFMD and regional consultative processes on migration, **to start a dialogue among countries of origin, transit and destination on return practices and standards, with a view to establishing a common understanding and, ultimately, shared principles** to govern cooperation on return and reintegration in all world regions.

D. Fostering migrants' inclusion and development

Recommendation 8: Ensure access to, and portability of, earned social benefits

64. Portability of earned social benefits is a matter of fairness for migrants and countries of origin and of effective migration policy at destination. Migrants should not be deterred, or made to stay in their host country longer than they want to, simply because they cannot take their social security entitlements with them when they leave. For migrant workers without access to social protection—often temporary workers or those in the informal labour market—portability is out of the question. States should, however, ensure their inclusion in national social protection floors that guarantee all residents a basic level of social security.³⁶

65. Promoting the portability of benefits would be a key consideration to be addressed by the proposed multi-stakeholder platform on skills and mobility for employment (see paragraph 60e). **Working towards such a platform, I urge competent international organizations, such as ILO and the World Bank, to intensify their coordination and efforts to help States and insurance industry stakeholders to:**

- a) **Develop a joint understanding of what portability of social benefits implies.**
- b) **Explore options for extending social protection by countries of origin** to migrants who move temporarily for work related reasons

³⁶ See ILO's Social Protection Floors Recommendation, 2012 (No. 202). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3065524.

and to their family members who stay behind, including through the establishment of migrant welfare funds.³⁷

c) **Improve the design of pension and health care benefits in countries of destination to facilitate their exportability.**

d) **Negotiate bilateral social security agreements (BSSA)** along key migration corridors and within regional groupings of States; **develop a standard BSSA template;** and strengthen the capacities of social security administrations to make agreements function effectively.

Recommendation 9: Improve remittance markets and financial inclusion

66. Remittances have a critical role to play in achieving the very first Goal in the 2030 Agenda: ending poverty and improving poor people's resilience to shocks. This is especially true if they can also be used as an entry point for financial inclusion. Yet, small and fragile States, which tend to be most dependent on remittance flows, currently have some of the highest remittance fees.

67. **I call for a more concerted effort (for instance through a coordinated campaign led by the International Fund for Agricultural Development (IFAD) and the World Bank) to forge operational partnerships among government policymakers and regulators, financial industry representatives and technology entrepreneurs in order to:**

a) **Make it easier for migrants and their families to access financial services,** including by extending financial literacy training to remittance senders and receivers. Improvements in the regulatory environment could boost the use of technology, such as mobile money, for cross-border remittances.

b) **Foster competition in remittance markets,** for instance by ensuring that central banks in remittance-receiving countries adhere to the General Principles for International Remittance Services.³⁸

c) **Stop equating remittances with money-laundering,** considering every remittance transaction (no matter how small) as

³⁷ A number of countries of origin in Asia, such as Bangladesh, Pakistan, the Philippines, Sri Lanka, and Thailand, have created migrant welfare funds that provide a range of services to migrant workers including: pre-departure skills and orientation seminars; loans to meet upfront recruitment costs; emergency repatriation, life and medical insurance; (legal) assistance through specialized wings of embassies and consulates abroad; and reintegration assistance. Some funds extend services to families and communities left behind, including funding for social services, scholarships and financial assistance for families in need. Contributions to the welfare funds come either from a fixed charge to employers, recruitment agencies, and/or membership fees by the migrant workers. See: Neil G. Ruiz and Dovelyn Rannveig Agunias, "Protecting Temporary Workers: Migrant Welfare Funds from Developing Countries", Migration and Development Brief No. 7, The World Bank, October 2008. http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/MD_Brief7.pdf.

³⁸ *General principles for international remittance services*, Bank for International Settlements (Committee on Payment and Settlement Systems) and World Bank, January 2007, <http://www.bis.org/cpmi/publ/d76.pdf>.

“guilty until proven innocent”. Instead, financial regulators should move towards a risk-based approach, focusing on payments above a certain threshold amount. This is particularly important to keep remittance channels open to countries in crisis.

Recommendation 10: Foster inclusion by equipping migrants with a proof of legal identity

68. Millions of people are unable to exercise their basic rights and perform everyday tasks because they have no legal identity, or no way to prove who they are. SDG 16.9 commits States “to provide legal identity to all, including birth registration, by 2030”.

69. **I call on international agencies such as the World Bank, UNHCR, UNICEF, UNDP, and IOM, to work together and with interested national and local governments, private companies and non-profit actors, and in consultation with the UN’s Special Rapporteur on the Right to Privacy, to:**

a) **Support States’ efforts to introduce universal civil registration and identification systems** that assign all citizens and non-citizens resident in a particular country or city —regardless of their nationality, ethnicity, immigration status or any other characteristic— a unique ID with which to access services and do business.³⁹ These systems, sometimes initiated on a local level by pioneering municipalities such as the City of New York, hold great promise for the inclusion of migrants, but must pay due attention to safeguarding the personal information collected.

b) **Help nascent efforts to explore the feasibility of a truly universal digital ID system**⁴⁰ that would allow a person to perform transactions or use public or private services across different countries. If linked to important personal information (e.g. a birth or marriage certificate, transcripts, vaccination and credit records), such an ID could reduce the risks of document loss and fraud, family separation during emergencies, and of migrants being exploited by smugglers, traffickers or unscrupulous employers who withhold their passports.

E. Strengthening migration governance capacities

70. All the above recommendations start from the assumption that while migration cannot and should not be halted, it can be much better managed than it currently is. In three areas —the protection of migrants at risk, labour migration, and arrangements for return and reintegration— I have made specific suggestions

³⁹ The most audacious such scheme is India’s Aadhaar system, which provides a unique ID number secured by biometrics to any person residing in the country regardless of their nationality or immigration status in order to facilitate access to government, financial and other services. <https://uidai.gov.in/beta/>.

⁴⁰ For example, the ID2020 initiative aims to develop a technological solution to provide a universal identity for all. See: <http://id2020.org/>.

for improving governance. In this final section of the report, I suggest some more general mechanisms through which I believe that objective can be achieved.

Recommendation 11: Invest in state capacities to manage migration

71. We need States to not just adopt the right policies at home, but to also invest in those States and regions whose priorities are aligned but that lack the necessary resources and capacities to put them into effect.

72. **To propel a concerted investment in States' migration management capacities, I call for the establishment of a Financing Facility for Migration**, whose purpose will be to channel funding and technical assistance from States, international financial institutions, multilateral development banks, and private sector actors to help all States get equipped to fulfil the migration-related commitments they have made in the 2030 Agenda and that will be further specified in the global compact on migration. Having a global facility would promote donor and UN coordination, and ensure that resources are allocated to those States most affected by migration and its impacts.

Recommendation 12: Improve data for fact-based migration policies and accountability

73. Better governance hinges on good data and a proper understanding of migration drivers and dynamics. Yet, we still struggle to establish basic facts, such as who migrants are, where they are, where they come from and when they moved, especially for movements between developing countries. There are a number of avenues we should pursue to get to better data, monitoring and reporting on migration:

- a) **Improve our knowledge of migration** by implementing the five recommendations of the Commission on International Migration Data for Development Research and Policy:⁴¹ 1) Asking basic census questions and making the data publicly available; 2) Compiling and releasing existing administrative data; 3) Centralizing Labour Force Surveys; 4) Providing access to microdata, not just tabulations; and 5) Including migration modules in more existing household surveys.⁴² This will require that States and international actors such as the UN Department for Economic and Social Affairs (DESA), IOM, UNFPA, OECD, ILO, the World Bank, and UNICEF work together and build institutional capacities in developing countries to collect, store, analyse and disseminate migration data.
- b) **Clarify the potential of and capitalize on 'big data'** as a complement to traditional data sources such as population censuses, by making a systematic effort to sift through existing experimentation to see

⁴¹ <http://www.cgdev.org/working-group/improving-migration-data>.

⁴² For example, Living Standards Measurement Study (LSMS) surveys, Demographic and Health Surveys (DHS), Labour Force Surveys (LFS), Household Budget Surveys (HBS) and Income Expenditure Surveys (IES). This would allow detailed links to be established between the migration process and human development outcomes for people and households.

what works and can be scaled up.⁴³ I commend the effort of the Governments of Belgium and Mali, working with a coalition of international organizations and the Global Partnership for Sustainable Development Data to develop an alliance on big data for migration.

c) **Develop tools and capacities to monitor the migration-related SDGs** beyond the set of agreed global indicators, endorsed by national statistical offices, for universal monitoring of the SDGs.⁴⁴ I thus propose a robust yet manageable set of tools to measure how well States, and migrants, are doing: a human development indicator for migrants, the IOM's Migration Governance Index⁴⁵ and a migration-related aid and assistance tracker.

d) **Monitor State performance as regards rights for people on the move through the creation of a global independent database** (maintained, for instance, by a university consortium)⁴⁶ that would contain indicators on the rights that different groups of foreigners (including migrants, tourists, business travellers, etc.) are accorded by the laws and regulations of different countries and their actual implementation.

Recommendation 13: Foster inclusive national debate and policy coherence on migration

74. **All States should seriously consider establishing an inter-ministerial working group or the like on migration** where ministries and agencies can confer amongst themselves and with relevant stakeholders (local governments, immigrant community leaders etc.) and ensure alignment of policy goals and objectives, for example as they relate to humanitarian, development, migration, interior and foreign affairs.

75. Parliaments have an obvious and important role to play in bringing about a more open and informed public debate on the trade-offs involved in migration policy. **I call on the Inter-Parliamentary Union and Parliamentarians for Global Action**, to work with IOM and other international organizations to

⁴³ For example, the Flowminder Foundation is using cell phone data in various contexts to analyse mobility patterns in relation to factors such as natural disaster and climate change (in Bangladesh) or the spread of infectious disease (in Kenya) with a view to supporting response strategies. See: <http://www.flowminder.org/case-studies/mobile-phone-data-to-understand-climate-change-and-migration-patterns-in-bangladesh>; <http://www.flowminder.org/work/research-innovation>. For a brief overview of current uses of 'big data' in relation to international migration see: <http://unglobalpulse.org/big-data-migration>.

⁴⁴ The Official List of SDG indicators includes eight indicators to monitor migration related targets. See: <http://unstats.un.org/sdgs/indicators/Official%20List%20of%20Proposed%20SDG%20Indicators.pdf>.

⁴⁵ <http://iomgmdac.org/migration-governance-index/>.

⁴⁶ Martin Ruhs, at Oxford University, has proposed a global migrant rights database. (See: <http://priceofrights.com/blog/post.php?s=2013-11-30-the-case-for-a-global-migrant-rights-database#.WBeJSSZ0kx>). Columbia University is currently developing a Model Human Mobility Treaty that is to cover all forms of movement, from travel for business and tourism over labour migration to forced displacement. In 2013, Georgetown Law School published an International Migrants Bill of Rights (IMBR) that compiled existing international law and progressive state practice. The IMBR Initiative is currently developing indicators to measure the adoption and implementation of these rights.

educate their constituencies about migration, facilitate international dialogue among parliamentarians on this topic, and foster their engagement in the consultations on the global migration compact.

Recommendation 14: Empower cities and local governments

76. Cities around the globe are playing an ever-increasing role in welcoming migrants and are developing the functions and tools required to manage greater diversity. They should be given the power and resources to do this properly. I recommend:

- a) **A dedicated initiative for cities and regions**⁴⁷—especially those for whom migration and displacement are relatively new phenomena—to develop, finance, coordinate, share and pilot good practices in the fields of migration and refugee policy, for instance through **a comprehensive management and leadership development programme for city administrations**.⁴⁸
- b) **Representatives of local authorities should be systematically included in national delegations at international meetings on migration**, including the GFMD, UN High Level Dialogues, and the 2018 intergovernmental migration conference.
- c) To enable local leaders to play their part, **I call for continued support for the Mayoral Forum on Mobility, Migration and Development**⁴⁹ as a venue where local leaders can be informed of, and influence, global intergovernmental discussions with a bearing on migration and refugee policy.

Recommendation 15: Repurpose the Global Forum on Migration and Development

77. As migration is becoming more firmly anchored in the UN, the GFMD's membership will face inevitable questions regarding the Forum's continued purpose and added value. **I propose that, in the immediate future, the GFMD serve to support consensus-building on an ambitious global compact on migration and to advance the implementation of the migration-related commitments in the 2030 Agenda.** The Forum could be a place where governments

⁴⁷ Such an effort could perhaps build on the work with local governments of the multi-agency UN Joint Migration and Development Initiative (JMIDI). See: <http://www.migration4development.org/en>.

⁴⁸ Bloomberg Harvard City Leadership Initiative, funded by a \$32 million gift from Michael R. Bloomberg and administered through Harvard, the Initiative will equip city leaders with the tools, skills and support increasingly required to tackle the complex leadership and management challenges faced in governing cities around the globe. <http://ash.harvard.edu/news/bloomberg-philanthropies-and-harvard-university-launch-bloomberg-harvard-city-leadership>.

⁴⁹ Launched in 2013 at the UN High Level Dialogue, the Mayoral Forum on Mobility, Migration and Development is an annual, city-led, global convening of mayors intended to share new and innovative approaches to urban governance in contexts of greater diversity. The Mayoral Forum is supported by the UN Institute for Training and Research (UNITAR), IOM, the World Bank, the JMIDI and the Swiss Agency for Development and Cooperation. See: <http://blogs.worldbank.org/peoplemove/local-leaders-cooperating-internationally-migration>.

and other stakeholders report on their efforts to fulfil their SDG commitments and also serve as a platform to facilitate partnerships to deliver on these commitments, the results of which should feed into the UN's High-level Political Forum on Sustainable Development, the body designated to review progress towards SDG achievement. To this end, the GFMD should consider adopting a multi-year programme of work equipping itself with a more robust secretariat and strengthening its role as a policy review body that helps States more systematically assess and evaluate the effectiveness of their policy choices. It may also want to consider governance reforms to encourage genuine joint ownership by States, civil society and the private sector.

Recommendation 16: Strengthen UN leadership and capacities on migration

78. The large-scale refugee crisis triggered by the war in Syria has painfully exposed the longstanding need for the UN to have integrated strategies for dealing with people on the move—including IDPs, refugees *and* migrants, and taking account of humanitarian, development *and* security concerns. This was the clear message from the World Humanitarian Summit held in Istanbul in May 2016 and the Summit on Refugees and Migrants held in New York in September 2016.

79. With IOM now formally part of the UN system, I see a real opportunity to spell out what leadership will require in this field: drawing on the expertise of the system's parts, but also establishing clearer lines of authority to the UN Secretary-General. There is no question that IOM, whose mandate covers migration writ-large, and UNHCR, which is more narrowly focused on refugees and stateless persons, will be the natural anchors of the UN's strategy and institutional architecture on international migration (in all its forms) going forward. Both have vastly more resources, expertise and accumulated experience on these issues than any other organization within the system and should thus be the "centre of gravity" around which consultation and coordination are organized.

80. IOM brings with it vital *operational* capacities on migration, which the UN system has hitherto lacked. Now it must expand its capacity to give advice on policy, including through an independent, in-house research capability, the seeds of which have been laid with IOM's Global Migration Data Analysis Centre in Berlin, and which could perhaps be modelled on UNDP's Human Development Report Office. IOM should also review and strengthen its role in *facilitating policy dialogues*.

81. A strong IOM-UNHCR tandem is indispensable, especially to steer the UN's response to mixed migration flows and large, crisis-related movements (e.g. through a joint programme on migrants in vulnerable situations, based on the guiding principles to be developed) and to co-lead the UN system's coordination on migration issues with the support of the GMG. The GMG itself must play a more direct role in supporting the UN's work at the country level, promoting joint programming and resource mobilization, developing policies and programming guidance, training materials, and indicators for the monitoring of results.

82. Looking ahead, I see five core areas where a thus strengthened UN system must aim to perform better:

Anticipate and respond quickly to movements in a crisis:

83. Planning on the assumption that crisis-related movements will be the “new normal”, we must fill the gaps in the protection chain, including through joint analysis and early intervention by a strong IOM-UNHCR tandem working together to ensure that the protection needs of migrants and refugees are identified and addressed as early and as close to their country of origin as possible.

Speak with one voice to deliver political messages:

84. Intensifying coordination around a smaller circle of entities that are actively engaged on migration—including a strong IOM and UNHCR tandem, joined as needed, for example by DESA, ILO and UNODC— should allow the UN system to speak with one voice when specific migration and displacement situations and challenges demand it, sending clear and coherent messages from headquarters and at the country level.

Support and monitor implementation of SDG commitments:

85. The UN must help countries translate global commitments into national targets and strategies, and develop the metrics by which States and others can measure success. The GMG has a key role to play in this regard. In this report, I have also argued for a funding facility, a manageable set of indicators, and a GFMD that serves as a platform for reporting on implementation of the SDGs and for brokering partnerships to ensure they are attained.

Support “soft law” development and the formulation of common standards:

86. There are several policy areas where progress could be made through State-led efforts to define common standards and principles to guide their conduct, including when it comes to dealing with “migrants in vulnerable situations”, managing labour and skills mobility, and the return and reintegration of migrants. The UN can help jumpstart and facilitate such norm development processes.

Work towards the conclusion of new, issue-specific treaties:

87. Where States show an appetite for progress in this direction, the UN can help support States to move from informal processes to the conclusion of formal treaties, e.g. on the treatment of migrants in vulnerable situations; abusive recruitment processes; or international transfers of funds and benefits. The global compact could bundle agreed norms and principles into a global framework agreement with both binding and non-binding elements and identify areas in which States seek to work towards the conclusion of new international norms and treaties.

IV. Conclusion

88. The aim of this report has been to show that migration need not be a source of fear and conflict, within nations or between them. I believe we *can* correct negative stereotyping of migrants and misinformation about migration, not least through the concerted effort of the UN TOGETHER campaign⁵⁰; that we *can*

⁵⁰ TOGETHER is a global UN campaign led by the Secretary-General that aims to change negative perceptions and attitudes towards refugees and migrants, and to strengthen the social contract

make it easier to move in a regular and orderly manner; that we can protect migrants' safety, including in times of crisis; that we *can*, through shrewd investments, reduce the costs of migration while maximising its benefits; that migrants *can* be included in the economic and social progress of all our societies, rather than being left behind; that States *can* work together and not against each other in managing migration —and, in short, that our societies *can* acquire the knowledge and capacities they need to manage migration well.

89. But none of this can be achieved without trust: trust among governments, as well as between governments and their constituents. At present, this is badly lacking. In fact, at no time in recent history have the bonds of trust been so frayed, particularly on issues surrounding migration, about which the general public is fearful and badly informed. In such an environment, progress can only be made incrementally. That is why I suggest tackling problems at the lowest level where they can be solved. Sometimes that means the local or national level, but on some issues States need to work together, bilaterally, at the regional or even the global level —seizing on the initiatives of pioneers and champions, and working through what has been called ‘minilateralism’⁵¹, whereby small groups of interested States work together to develop and implement new ideas that can then be debated, and perhaps adopted, in more formal settings.

90. Attending to the concerns of those who feel threatened by migration is necessary, if we are to avoid destructive reactions and achieve sustainable results. Confrontation will get us nowhere. Progress on international cooperation in this area must take the interests of all legitimate actors into account. As long as there are stakeholders for whom the system is not working, they will at best ignore it or worse, undermine it. Listening to each other, seeking tirelessly to identify shared goals and to agree on paths for reaching them, will —I am convinced— enable us to find solutions that hold out hope for us all.

between host countries and communities, and refugees and migrants. Launched at the UN Summit for Refugees and Migrants in 2016, TOGETHER is implemented in partnership with Member States, the private sector and civil society and will run until 2018, when States are expected to adopt the two global compacts on refugees and migrants. See: <http://refugeesmigrants.un.org/together>.

⁵¹ Moses Naim, “Minilateralism”, *Foreign Policy*, 21 June 2009; <http://foreignpolicy.com/2009/06/21/minilateralism/>.

Annex

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