
Statement of the Center for Migration Studies of New York (CMS) and the Scalabrinian International Migration Network (SIMN)

On

The Outcome Document and Global Compact on Refugees

September 19 United Nation's Summit on the Large Movement of Refugees and Migrants

The Scalabrinian International Migration Network (SIMN) consists of 270 migrant shelters, schools, community centers and eight educational institutes operated by the Missionaries of St. Charles, Scalabrini (simn.org). The Center for Migration Studies (CMS) of New York is an educational institute/think tank focused on the study of international migration, to the promotion of understanding between immigrants and receiving communities, and to public policies that safeguard the dignity and rights of migrants, refugees, and newcomers (cmsny.org).

CMS hosted a conference of scholars, policy experts, and service-providers July 5-7 entitled "Rethinking the Global Refugee Protection System," in which policy recommendations were made and papers were produced on new ideas for increasing the effectiveness of the global refugee protection system. CMS will release these papers and recommendations as they become available, in anticipation of the September 19, 2016 U.N. Summit on the Large Movements of Refugees and Migrants.

As a general matter, we oppose any weakening of current international refugee law in the documents. In the Global Compact for Refugees (July 12 version), the section entitled "Repatriation" should be renamed "Voluntary Return" and the section on "Local Solutions" should be renamed "Local Solutions and Integration." The three durable solutions of voluntary return, integration in a host country, and resettlement should be maintained and strengthened. Moreover, while we applaud the pledge to resettle 10 percent of the refugee population worldwide—the most vulnerable, according to UNHCR—we strongly feel this goal be met through resettlement slots, which would ensure that the ongoing protection and social inclusion needs are met.

We strongly support the condemnation of xenophobia and racial discrimination contained in 1.10 and 1.11 of the July 12 draft of the outcome document. We see today around the globe many forms of xenophobia and it threatens the well-being of migrants and bona fide refugees. We would like to see, however, language focusing upon how refugees, in fact, many are fleeing terrorist organizations themselves. Public figures and some elected officials have conflated refugees with terrorists, suggesting that they intend to cause harm to citizens of countries. The evidence shows that refugees who enter through refugee resettlement programs are thoroughly vetted by receiving nations. In the United States, for example, over 800,000 refugees have been resettled since the 9/11 attacks and none have engaged in a terrorist attack on U.S. soil.

Associating refugees with terrorists has helped fanned the flames of fear that contribute to xenophobic attitudes. It also has led to calls to withhold protection from certain religious groups and to refugees from certain regions of the world.

While security screening for asylum-seekers and refugees is necessary to prevent terrorists as posing as asylum-seekers or refugees, the outcome document and the Global Compact should both include language that addresses this issue head-on, so that the global narrative does not presume that bona fide refugees have an intent to harm persons, but are, in fact, fleeing terror and extremist organizations themselves. In 1.11, we would suggest adding the following after the sentence which ends with “unacceptable.”: *We also find unacceptable attempts by some to cast bona fide refugees as terrorists, in an attempt to fan the flames of fear and xenophobia.*

Second, we strongly support paragraph 2.3 of the outcome document recognizing the rights and responsibilities of States to manage and control their borders in a manner that respects human rights and human dignity. However, we feel that language should be added to strongly discourage the use of deterrence strategies to stem the flow of large movements of migrants and refugees. Such deterrence strategies include the use of interdiction methods, mandatory detention for vulnerable populations, the absence of appropriate due process procedures for asylum-seekers, and, in some cases, the closing of borders. We have seen examples of these tactics in Europe and the Middle East, the Americas, and in Southeast Asia. Without language discouraging these strategies and tactics, the words and spirit of the outcome document and Global Compact are severely weakened.

Third, we agree with paragraph 2.9 and 2.10 that children deserve special attention and protection and would oppose efforts to weaken this language, particularly language in 2.10 that commits to never detaining children. In 2.10, we would recommend that families also not be detained, as children suffer under this scenario. The consideration of alternatives to detention in 2.10 is welcome, but should be clarified in a way that a person’s liberty and dignity is not inhibited. Community-based case management programs, operated by non-profit agencies which can assist with a person’s legal and social service needs, are preferable.

We strongly support paragraph 3.14, which pledges member States to “foster more opportunities for safe, orderly, and regular migration.” We would suggest the following revisions to that paragraph:

- Family unity and reunification should be singled out as primary to the migration process. Labor mobility should include families. The hidden social costs of family separation and breakdown is hard to measure but it is substantial and real.
- Labor mobility programs should include circular migration, particularly among high-skilled workers who should be encouraged to return to their home country to help develop their society.
- Remittance flows, although important in the current state of the world, should not be a substitute for humanitarian assistance or efforts to promote sustainable economic development that includes host communities and forcibly displaced persons in developing countries. Remittances are not a sustainable global economic model. Developing nations should not rely on remittances to such a degree that they do not create job opportunities for their low-skilled and low-income citizens and residents.

In paragraph 4.3, we strongly support the reaffirmation of the institution of asylum and the right to seek asylum, as well as the fundamental principle of non-refoulement. We would suggest adding language that calls upon member States to recognize asylum-claims based upon persecution by non-state actors—organized crime, gangs, and terrorist organizations.

In paragraph 4.11, we support the expansion of legal pathways for refugees, but would add language that ensures that their needs for protection and social inclusion in their new countries are met.

In conclusion, we applaud the work of the co-facilitators and the member States involved in the process. Consistent with the views of other organizations, we would support the inclusion of an operating framework for the Global Compact (July 12 version), to be completed in 12 months. We oppose delay of the Global Compact, as agreed to on July 20, but support the intention to develop a Global Compact for Safe, Regular, and Orderly Migration by 2018. We recommend road maps for and strong civil society involvement in these processes.

Thank you for the opportunity to submit this written statement.