

A global compact on migration Placing human rights at the heart of migration management

SUMMARY

The global flow of refugees and migrants poses challenges, opportunities and obligations for countries around the world. At the very heart of the debate on migration management is how to ensure that the different interests and needs are addressed within a strong human rights framework. The United Nations (UN) is investigating the issue in great depth, and one of the main outcomes of the UN General Assembly in 2016 was a declaration demanding greater international cooperation on managing migration. This declaration was widely endorsed, including by the European Union (EU). As a result, two global compacts are to be adopted in 2018, for refugees and for other migrants; this briefing will focus on the latter. According to the International Organization for Migration (IOM), the UN migration agency in charge of the global compact for safe, orderly and regular migration, these compacts 'provide the opportunity to move ahead in strengthening the norms, principles, rules and decision-making processes that will allow for more effective international cooperation in responding to what is a defining issue'. Providing continued institutional support to address these issues and implement the outcomes of the global compacts will be a challenge.

See also our infographic, entitled ['Migration flows to the EU'](#).



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Issue

In his state of the union speech on 13 September 2017, in Strasbourg, European Commission President Jean-Claude Juncker said: 'The global flow of refugees and migrants is one that poses challenges, opportunities and obligations for countries around the world, which the UN itself has been investigating in some depth'. At the very heart of the debate on opportunities and challenges in migration management is how to ensure that the different interests and needs are addressed within a strong human rights framework.

Article 3 of the Treaty on European Union (TEU) binds the EU, as a non-state actor, to align itself with [United Nations norms](#) in its role in promoting and protecting human rights through all its actions, bearing the most vulnerable particularly in mind, while also addressing *Realpolitik* concerns. A common concern to both UN and EU is the respect of human rights of migrants, asylum-seekers and refugees. How can security concerns be addressed while developing a proactive immigration policy to tackle, on the one hand the needs of third-country nationals while on the other, addressing Europe's demographic concerns – as Europe is aging and young workers are needed to pay for older retired workers' pensions. How can the commitments made on 19 September 2016 in the [UN's Declaration on Refugees and Migrants](#) be implemented effectively. Of special concern is the vulnerable situation of unaccompanied and separated child migrants. Such concerns raise questions, such as how to strike the right balance between liberty and security.

A key agreement was reached on 19 September 2016 in New York, during the 71st regular session of the UN General Assembly (UNGA 71). [One of the main outcomes of the General Assembly in 2016](#) was a declaration demanding greater international cooperation on managing migration, which was widely endorsed, including by the EU. The [global migration compact](#) (GCM) is to be adopted in 2018 (in parallel with the compact on refugees).

Refugee movements and migration are at the centre of global attention as a result of record levels of displacement, human suffering, the socio-economic impact on host communities, and the complex political ramifications in many countries. An unprecedented mass movement to the EU of asylum-seekers and migrants of all ages began in 2014, reached a peak in 2015, and then continued in 2016 and into 2017. A coordinated and effective protective response is essential, and that requires both a gender and child-sensitive dimension. According to the United Nations Refugee Agency (UNHCR) and the International Organization for Migration (IOM), human mobility [has never been as high](#), with 244 million international migrants. In 2015, 65.3 million people were displaced due to conflicts, human rights violations, economic hardship and natural disasters worldwide. The substantial increase in the number of migrants in recent years has had a profound effect on the external-relations dimension of EU migration and asylum policy.

Migration is a [macro-critical policy issue](#). According to UNDP, with a zero-migration scenario, in the developed world, by 2025, only New Zealand and Ireland will still have growth in their working age population, as all other countries experience a severe decline. In other cases, such as Australia, France, and the United States, population growth is expected to stagnate. One way, amongst [others](#), to counterbalance the decline or stagnation in population growth is to open legal channels to migration, and

this calls for a global solution. There is also an urgent need to replace irregular migratory flows, which have caused so much suffering and extreme human rights violations, with legal channels for migration.

Aim of the global compact for safe, orderly and regular migration

On 19 September 2016, the UN General Assembly addressed these issues for the first time, at a [high-level plenary meeting](#) on addressing large movements of refugees and migrants. The high-level meeting culminated in the adoption of the New York Declaration for Refugees and Migrants, which launched a process of intergovernmental negotiations, aimed at the adoption of a global compact for safe, orderly and regular migration in 2018. The theme of the 72nd UNGA (UNGA 72) general debate, which began on 19 September 2017, was 'focusing on people: striving for peace and a decent life for all on a sustainable planet'. Within the framework of the UNGA, the UNHCR and the Office of the UN Special Representative for International Migration hosted an [event](#) on the anniversary of the New York Declaration on 20 September 2017.

The future global compact on migration (GCM) will be of a non-legally binding nature, although the principles enshrined in the GCM could well, similarly to the Universal Declaration on Human Rights, become customary international law.¹ For this reason, in 2017, the United States, which initially under the Obama administration supported the GCM in 2016, decided to withdraw its commitment to the GCM, as the Trump administration prefers to apply a more protectionist version of the principle of sovereignty, particularly regarding border management. The current US administration feels that the GCM [would be incompatible](#) with US sovereignty.

The objective of the GCM is to agree on principles, commitments and understandings between UN states regarding all dimensions of international migration. Human rights will be at the centre of the GCM and are to be embedded in all policies addressing human mobility. The compact aims at creating a framework for comprehensive international cooperation on the subject of migration and mobility (both are undefined and undifferentiated). It will deal with all aspects of international migration, including, inter alia, humanitarian, development, and human rights considerations. In order to achieve its objective, the declaration acknowledges the important contributions made by migrants and migration to development, and the complexity of the relationship between migration and development. The declaration seeks safe, orderly and regular migration, which respects human rights and humane treatment of migrants, as a solution. The declaration further stresses the importance of international, regional and bilateral cooperation, and further specifies the role of poverty, underdevelopment and lack of opportunities, poor governance and environmental factors, as drivers of migration. To these factors are added international economic imbalances, poverty and environmental degradation, the absence of peace and security and lack of respect for human rights. The global compact for migration would set out a range of common principles and commitments among Member States regarding international migration in all its dimensions. As such, it would make an important contribution to global governance and enhance coordination on international migration. Developing and negotiating the global compact for migration is an ambitious undertaking, and will be high on the migration policy agenda in 2018.

Role of the International Organization for Migration

On 25 July 2016, the UN adopted a resolution on an [Agreement](#) to make the International Organization for Migration ([IOM](#)), until then only a related organisation, the UN migration agency. 'The Agreement outlines a closer relationship between IOM and the UN to strengthen cooperation and enhance their ability to fulfil their respective mandates in the interest of migrants and Member States. Through the Agreement, the UN recognises IOM as an indispensable actor in the field of human mobility. This includes protection of migrants and displaced people in migration-affected communities, as well as in areas of refugee resettlement and voluntary returns, and incorporates migration in country development plans.' The IOM, which is tasked with servicing the negotiations on the GCM together with the UN Secretariat – will therefore be a key player in the ongoing debate on migration governance. According to the IOM, the global compacts on migration and on refugees '[provide the opportunity](#) to move ahead in strengthening the norms, principles, rules and decision-making processes that will allow for more effective international cooperation in responding to what is a defining issue' today. Providing continued institutional support to address these issues and implement the outcomes of the global compacts will be a challenge.

The entry of IOM into the UN system is promising, but by no means sufficient. A principal obstacle to IOM assuming this role as the global leader on migration is its financing mechanism. Its 'projectised' funding model has meant that IOM has necessarily had to focus on its operational programmes, with few resources available for policy-related work. [Improving global migration governance](#), however, may require a stream of funds untied to operations, which would allow the IOM to enhance its role in protecting the rights and safety of migrants and in assisting states and other entities to develop and implement policies that contribute to safe, orderly and regular movements of people worldwide.

In this regard, UN Special Rapporteur on the Human Rights of Migrants, [Professor François Crépeau](#), recommended that the IOM also takes on responsibility for ensuring implementation of the International Convention of 18 December 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families ([ICRMW](#)), much as UNHCR has responsibility for the Refugee Convention, as this would further reinforce and bind the UN member states to the commitments made in New York in 2016 which, in turn will be reflected in the GCM. The ICRMW, which is also a UN convention, contains 93 clauses and is the longest human rights convention.² In accordance with other human rights conventions, contracting parties are obliged to guarantee the human rights of working migrants listed in this convention, without discrimination. Since its entry into force on 1 July 2003, 49 states have ratified the convention. The countries that have ratified are primarily countries of origin of migrants. No migrant-receiving state in western Europe or North America has ratified the convention. Other important receiving countries, such as Australia, Persian Gulf Arab States, India, and South Africa have not ratified the convention.

Process towards a global migration compact

A [work plan](#) outlines those 'relevant processes, mechanisms and initiatives in the field of migration' specifically called for in UNGA resolution A/71/280. This work plan covers the entire preparatory process in its three phases leading to the adoption of the global compact. This work plan will be periodically updated on the [dedicated website](#).

In January 2017, the UN began international negotiations for a global compact on migration, as called for in the New York Declaration of 19 September 2016. The process to develop this global compact for migration began in April 2017. A set of documents, known as [zero draft\(s\)](#), regarding the modalities for the intergovernmental negotiations of the GCM have been produced and circulated. The General Assembly will then hold an intergovernmental conference on international migration in 2018 with a view to adopting the global compact. The President of the General Assembly is responsible for making arrangements and setting timelines for the process (as set out in Annex II of the declaration). The GCM is expected to build on the commitments made in New York and thereafter so that future migration, like other areas of international relations, is guided by a set of common principles and approaches. Guidelines will be produced on the treatment of migrants in vulnerable situations. These guidelines will be particularly important for the increasing number of [unaccompanied children](#) on the move. The three phases towards completing the GCM are as follows:³

[Phase I of the process](#) covered the period from April 2017 to November 2017 and has focused on consultations. During this consultation phase, member states had an opportunity to provide their input and share views on developing a global compact for safe, orderly and regular migration, in six informal thematic meetings on facilitating safe, orderly and regular migration held in New York, Geneva and Vienna. The 72nd UNGA in turn received the relevant background documents ahead of each informal thematic session. Other fora for input and sharing of views included other relevant processes, mechanisms and initiatives in the field of migration, such as the regional consultative processes, the Global Forum on Migration and Development and the IOM International Dialogue on Migration. In addition, the first two of four multi-stakeholder hearings were held during Phase I. The consultations undertaken during Phase I feed into the preparatory stocktaking meeting under Phase II.

Phase II of the process covers the period from November 2017 to January 2018 and will take into consideration the consultations undertaken during Phase I. The outputs/summaries of each event under Phase I were shared with member states for their consideration under Phase II, in view of the [preparatory stocktaking meeting](#) which took place in Mexico on 4 to 6 December 2017. The [three-day meeting](#) reviewed and analysed the data and recommendations gathered during the [consultation phase](#). During Phase II, the Secretary-General's report, as input to the [draft of the global compact](#), and the intergovernmental negotiations will also be released. The preparatory stocktaking meeting and ensuing reports will help feed into the [intergovernmental negotiations](#) in Phase III. The next step in this process towards the global compact is the Secretary-General's [report on migration](#), expected to be released by mid-January 2018.

Phase III of the process is the final phase leading to adoption of the GCM. Phase III will include the release of the draft of the global compact ahead of the intergovernmental negotiations which will take place several days each month from February through to July 2018. This phase will also include the final two multi-stakeholder consultations.

Human rights at the heart of the global migration compact

The global compact is a significant opportunity to improve governance on migration, to address the challenges associated with modern migration movements, and to strengthen the contribution of migrants and migration to sustainable development. The New York Declaration contains [bold commitments](#) both to address current issues and to prepare the world for future challenges. The declaration calls for the protection of all migrants, regardless of their migratory status, and calls for particular attention to be paid to migrants in vulnerable situations, including women at risk, children, persons with disabilities, persons who are discriminated against on any basis, victims of violence,

and victims of trafficking. The declaration, in full compliance with the [Convention on the Rights of the Child and its Optional Protocols](#), prioritises the best interest of the child in future migration policy, with particular attention paid to the situation of unaccompanied children and those separated from their families. The declaration calls for an end to the practice of detaining children for the purposes of determining their migration status. Amongst other things, the declaration also calls for stronger recognition of the positive contributions made by migrants to economic and social development in their host countries and strongly condemns xenophobia against refugees and migrants, and supports a global campaign to counter it. The commitments endorsed in the declaration also call for mainstreaming of the gender perspective in migration policy.

As two academic researchers, Elspeth Guild and Stefanie Grant [explain](#): 'The first of the commitments set out regarding migrants is the protection of the safety, dignity, human rights and fundamental freedoms of all migrants irrespective of their migratory status ... The second commitment of the Declaration is to safeguard the rights of, protect the interests of, and assist migrant communities abroad, including through consular protection, assistance and cooperation in accordance with international law ... The Compact is to build on existing bilateral, regional and global cooperation and partnership mechanisms that facilitate migration in accordance with the 2030 Development Agenda. Cooperation with countries of origin, transit and destination is planned, including regional consultative processes, international organisations (with specific reference to the Red Cross and Crescent Movement), regional economic organisations, local government authorities, the private sector, labour unions, civil society and migrant and diaspora groups. Specific emphasis is placed on the role of local authorities.'⁴

Returning migrants to their country of origin needs to be consistent with international human rights law and the refugee law principle of *non-refoulement*. To this end, the GCM will, in the same vein as the 2016 declaration, call for existing [readmission agreements](#) to be fully implemented. As stated in the 2016 declaration (point 42), 'everyone has the right to leave any country, including his or her own, and to return to his or her country ... States must readmit their returning nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation'.

EU priorities for the global migration compact

The EU would like to position itself more concretely as a global actor in migration. To this end it is playing a [strong role](#) in the preparation of the GCM, and continues in the same vein, with the full support of its Member States, in negotiations on the compact. The EU supports the UN in this endeavour, in the context of promoting **effective multilateralism**. Under the European Commission annual action programme 2017, the Directorate-General for International Cooperation and Development (DG DEVCO) has earmarked €1.7 million in support of the migration compact process. The main objectives are to help improve the consultation and participation of developing countries, civil society and affected communities; support learning from related pilot projects and research on migration; as well as to help monitor progress.

The [EU priorities](#), detailed in its 'EU input to the UN Secretary-General's report on the Global Compact for Safe, Orderly and Regular Migration', presented to the 72nd UNGA in September 2017 were six-fold:

1. Human rights of all migrants and protection of migrants in vulnerable situations

The EU recalls the purposes and principles of the UN Charter and of the Universal Declaration of Human Rights and the core international human rights treaties. It calls upon states to fully protect the human rights of all migrants, regardless of status; all persons are rights-holders. To this end human rights must be at the centre of all policies addressing large movements of migrants, to fully observe the fundamental values of respect of human dignity, freedom, democracy, equality, the rule of law, and the respect for fundamental rights as well as laws and regulations of their host countries. The EU calls for particular attention to addressing the specific needs of migrants in vulnerable situations and to ensure that the best interests of the child is a primary consideration.

2. Addressing the drivers of migration, including climate change impacts, natural disasters and man-made crises

This would address the drivers of migration, in line with the commitments under the [2030 Agenda](#) to leave no one behind and the UN Sustainable Development Goals (SDGs), to promote more coherent approaches, including on the nexus of humanitarian assistance and development cooperation.

3. Migration and development, including remittances and portability of earned benefits

In response to protectionist discourse, the EU considers that it is important to recognise the positive contribution of migrants for inclusive growth and sustainable development, as stated in the 2030 Agenda, and at the same time its complex challenges for host societies; to acknowledge that well-governed regular migration can contribute, through coherent and comprehensive responses, to sustainable development for countries of origin, transit and destination, including through supporting the development of countries of origin through social and financial remittances.

4. Promoting international governance of migration, including through effective cooperation on return, readmission, integration and reintegration

Key to reinforcing the principles of solidarity and shared responsibility in managing large movements of migrants, and promoting and protecting human rights of all migrants, comprehensive migration policies and strategies at national level need to address migration in a holistic way. The institutional, administrative and technical capacities of governments and other stakeholders alike should be strengthened, for effective implementation of migration strategies at national level. In addition the EU calls for better global, regional and bilateral migration management and closer cooperation among countries of origin, transit and destination, including effective cooperation on return and readmission.

5. Addressing irregular migration, including trafficking in human beings and smuggling of migrants, and through promoting border management

The EU proposes reinforcement of national and international measures to combat trafficking in human beings and smuggling of migrants, acknowledging their multi-faceted dimension, as well as more widespread recognition that smuggling of migrants, often facilitated by organised crime networks, can further exacerbate the drivers of migration and foster irregular migration. While acknowledging that states have sovereign rights and responsibilities to manage and control their borders, however, this needs to be in full compliance with the applicable obligations under international law, including international human rights, international refugee law, the respect of the principle of *non-refoulement*, and the prohibition of collective expulsion. Bilateral and regional dialogues and (operational) cooperation with relevant partners, in particular between countries of origin, transit and destination is to be promoted as widely as possible.

6. Promoting regular pathways

In compliance with the commitments in the 2030 Agenda and ILO general principles and operational guidelines, the EU calls for employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities to be enabled, while recognising national competences, and the situation and needs of the labour market in the host countries. The reinforcement of capacities of host societies to foster mobility schemes for students and researchers, as well as highly skilled migrants should also be further developed.

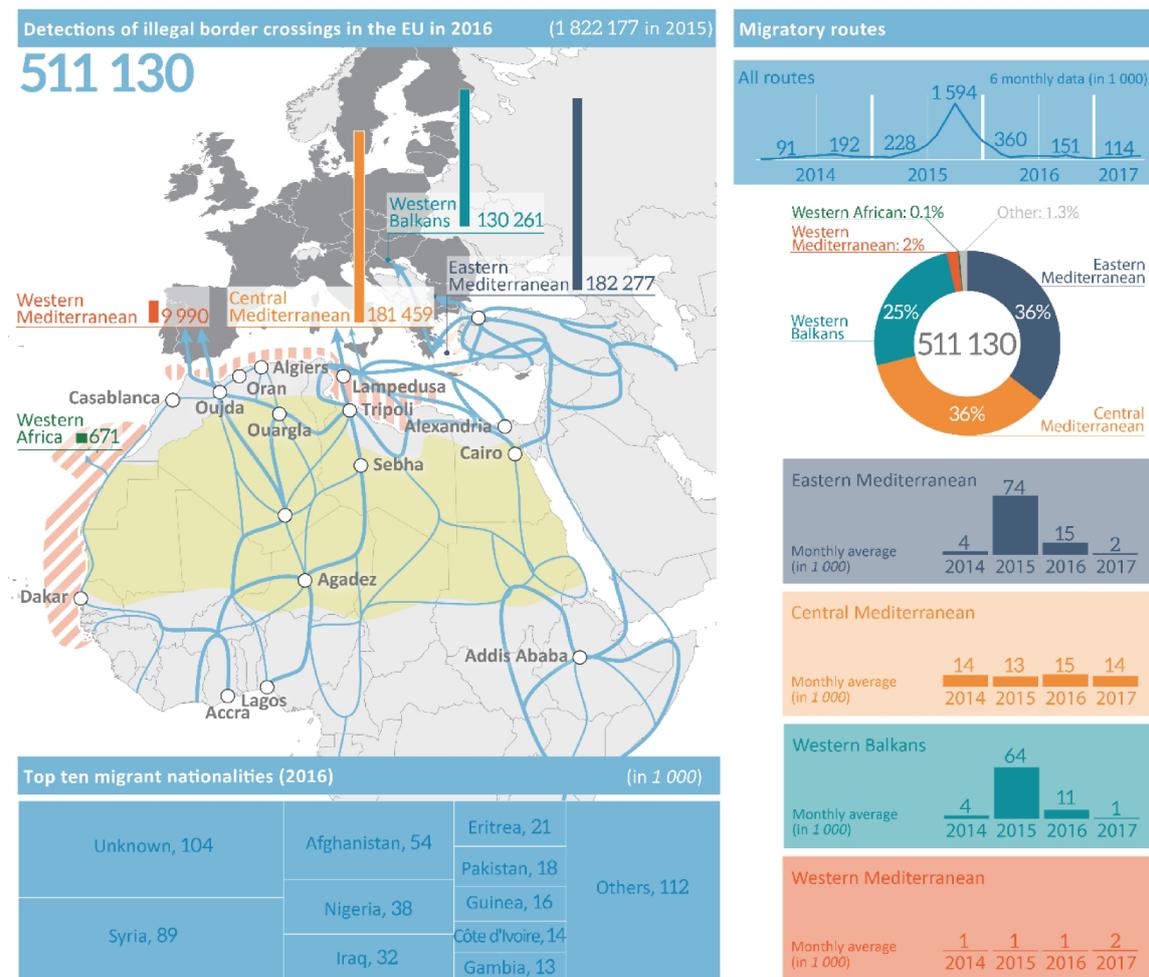
EU external migration policy instruments

The concept of such a compact is not new to the EU, although within the context of the GCM, it is transposing its own experience to a global scale. The [global approach to migration and mobility](#) (GAMM) – launched in 2005 and renewed in 2011 – is the overarching framework for EU external migration and asylum policy. The framework [defines](#) how the EU conducts its policy dialogues and cooperation with non-EU countries, based on clearly defined priorities, and is embedded in the EU's overall external action, including development cooperation. GAMM calls for **migration dialogues with partner countries** through the common agendas on migration and mobility (CAMM) and through the regional processes. For example, in the Southern Neighbourhood, migration is also a major priority in a series of EU regional initiatives, such as the [EU-Africa Partnership on Migration on mobility and employment](#), the [Rabat process](#) with western African countries, as well as the [Khartoum Process](#) with eastern African countries. In recent years, the EU has also signed [mobility partnerships](#) with several countries in its immediate and wider neighbourhood. The [new Partnership Framework on Migration](#) launched in June 2016 designs specific tailored 'migration compacts' with third countries, integrating all EU policies, tools and instruments, in order to better manage migration. Priority countries in Africa include Ethiopia, Mali, Niger, Nigeria and Senegal. These offer a comprehensive framework for bilateral cooperation between the EU and its partner countries, based on mutual commitments and project initiatives covering mobility, migration and asylum issues, within the global approach. The Valletta summit, in Malta in November 2015, launched an [Emergency Trust Fund for Africa](#) (EUTF), to assist countries in the Sahel region, the Horn of Africa and North Africa⁵ in [addressing the causes](#) of uncontrolled [migration flows](#), so that harder measures, such as deployment of the [EU naval force](#) to tackle migrant smugglers in the Mediterranean, remain limited in scope. On 3 February 2017, a stock-taking of the EUTF's implementation was published as the [Malta Declaration](#).⁶

The global approach to migration and mobility also includes actions on human rights. The [new human rights and democracy action plan](#), particularly in Action 24, calls for EU diplomacy to enhance human rights safeguards in all migration and mobility dialogues, and to assess policy ex-ante, using human rights impact assessments. It refers to the following priorities for EU action on **migration and development**: mitigation of brain drain; supporting the contribution of the diaspora; private-public partnerships; reducing the cost of remittances; and assistance to partner countries to identify recruiters, in particular with a view to facilitating circular migration. In response to the unprecedented refugee situation unfolding in Europe in 2015, the EU published the [European Agenda for Migration](#) on 13 May 2015, consolidating the objective of cooperation with countries of origin and transit in order to address irregular migratory flows to Europe. The agenda presented a set of immediate measures and long-term objectives.

Safe, orderly and regular migration can have a positive impact on **sustainable development, forced displacement and irregular migration** in large movements which raise very complex challenges, including trafficking and smuggling and related massive human rights violations. The UN New York Declaration sets out steps towards the achievement of a GCM in 2018, in line with [target 10.7 of the SDGs](#). A global response to migration requires the convergence of interests of the countries concerned which can be contradictory, at least on a short-term basis. Developing a win-win strategy entails dialogue, consultation and ownership of all parties (see the section on 'process' above).⁷

Figure 2: Main migratory routes into Europe



Data source: Frontex, 2017, [Main migratory routes into the EU/land and sea](#); See also EPRS Infographic, [Recent migration flows to the EU](#), December 2017.

Opening legal migration channels

In May 2016, [Directive 2016/801/EU](#) on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing was adopted. Its adoption completed the package of legal migration measures that had been proposed by the previous European Commission, which included a Directive on intra-corporate transferees ([Directive 2014/66/EU](#)) and a Directive on seasonal workers ([Directive 2014/36/EU](#)). In June 2016, the Commission published a [new legal migration package](#), which includes an action plan on integration of third country nationals. In September 2016, the Commission launched its [legal migration fitness check](#), with the

aim of evaluating the relevance, coherence, effectiveness, efficiency and EU added value of several EU legal migration tools. These include, in addition to those mentioned above, the Family Reunification Directive ([2003/86/EC](#)); the Long-term Residents Directive ([2003/109/EC](#)), as amended; the original [EU Blue Card Directive](#) (2009/50/EC), which is currently [under revision](#); as well as the Single Permit Directive ([2011/98/EU](#)). The new [Consensus on Development](#) adopted in May 2017 refers to the benefits of transfer of knowledge, skills and productive capacity to migrants themselves, their families and the countries of origin and destination in the context of regular migration. A report on regular migration will be produced in 2018.

The impact of migration flow on the policy dimension, and notably on the **development/security nexus**, is further developed in the [EU global strategy on foreign and security policy](#) presented in June 2016 by the EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini. The strategy establishes the concept of 'principled pragmatism', with an emphasis on tailored approaches to individual countries. Measures included in the [new skills agenda for Europe](#) are also relevant for third-country nationals and should support their integration.

According to the World Bank, **remittances** to developing countries represent more than €382 billion, exceeding to a great extent the amount of [official development assistance](#). However, as recognised by the World Bank, the actual figure is larger, as migrants use informal channels to avoid the costs of money transfer. [Target 10 c of the SDGs](#) envisages reducing migrant remittance transaction costs to less than 3 %, and eliminating remittance corridors with costs higher than 5 %. Remittances improve the daily life of the recipients, but can also create dependency in the country of origin, unless invested in long-term projects. Nevertheless, focusing on remittances may further burden migrants with responsibility for development in their country of origin.

Since 2005, the EU has supported **return and reintegration** of migrants in third countries through the Development Cooperation Instrument [thematic programme on migration and asylum](#). Between 2005 and 2015, €65 million in EU funding was allocated for this purpose, benefitting over 50 projects with a reintegration dimension. The [European migration network's](#) expert group on return, identifies [96 programmes](#) designed to help migrants to return and reintegrate in their home country in the EU, implemented by 26 Member States, plus Norway.⁸ These programmes aim to assist migrants who have been granted a period of time for voluntary departure before a forced removal is executed. Specific programmes address the needs of vulnerable groups, such as [unaccompanied minors](#), victims of human trafficking, and people with specific medical needs. Annually, more than [55 000 migrants](#) participate in these programmes, carried out by the IOM, and, in several cases, by national authorities. Sometimes, non-governmental organisations (NGOs) are also involved, especially important when dealing with the return of vulnerable groups, particularly unaccompanied and separated migrant children.

Specific initiatives in support of [reintegration of migrants](#) 'have been adopted to both support reintegration related actions in partner countries and the [Member States' AVRR programmes](#), thereby demonstrating an increasing understanding of the nexus between the success of the EU migration policy and the partner countries' development.' The reintegration of returning migrants to third countries needs to be sustainable in a broader sense not only to include self-sufficiency, but also to have a meaningful impact on the economic and social development of communities of origin.

The [Asylum, Migration and Integration Fund](#) (AMIF) 2014-2020, with €3.137 billion, promotes efficient management of migration flows and the implementation, strengthening and development of a common EU approach to asylum and immigration. Amongst other things, the fund promotes **legal migration and integration** to support legal [migration](#) to EU Member States in line with labour market needs and promoting the effective [integration](#) of non-EU nationals; and, **return** with the aim of enhancing fair and effective [return](#) strategies, which contribute to combating [irregular migration](#), with an emphasis on the sustainability and effectiveness of the return process.

European Parliament response

In its resolution '[Addressing refugee and migrant movements: the role of EU External Action](#)' adopted on 5 April 2017, the European Parliament calls upon the international community to urgently undertake the strengthening of a common response to address the challenges that the phenomenon represents, highlighting particularly that international migration can contribute to socio-economic development. It expresses deep concern and solidarity with regard to the large number of refugees and migrants who suffer grave human rights violations in their countries of origin. It welcomes the '[Together](#)' campaign launched by the UN to reduce negative perceptions and attitudes towards refugees and migrants, and highlights the fundamental principles enshrined in the Universal Declaration of Human Rights ([UDHR](#)). Parliament raises particular concerns about the [vulnerabilities](#) of migrant women (who make up the [majority](#) of international migrants in Europe) and [unaccompanied migrant and refugee children](#). The resolution calls for the establishment of a genuine, human-rights-based common European migration policy, based on the principle of solidarity among Member States as enshrined in Article 80 of the Treaty on the Functioning of the European Union (TFEU), with securing EU external borders and adequate legal channels for safe and orderly migration. Closer cooperation with NGOs and experts working in the countries of origin of asylum-seekers is essential for providing a considered [response](#). [Cooperation and partnerships](#) with third countries to address the root causes of migration through EU external policies is essential, in parallel to implementing the [Sustainable Development Goals](#). To this end, the resolution commends the UN's work, which began in January 2017, towards a [global compact on migration](#) and [global compact for refugees](#). In line with EU principles, one overall objective of EU external migration policies is to establish a multilateral governance regime for international migration, in full cooperation with the UN.

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Endnotes

- ¹ Customary International Law is considered, along with general principles of law and treaties, custom by the International Court of Justice, jurists, the United Nations and its Member States, to be among the primary sources of international law.
- ² Part I contains the scope and definitions. Part II enlists the human rights of working migrants without discrimination. In Part III, human rights specific to migrants are listed separately. Part IV is concerned with further rights of migrant workers that regularly reside in their home country. Part V entails regulations concerning specific categories of migrants, such as cross-border commuters, seasonal labourers and travellers. Part VI lists regulations dealing with working migrants without a residence permit.
- ³ For a more detailed timeline see: Guild, E. and Grant, S., [What role for the EU in the UN negotiations on a Global Compact on Migration](#), CEPS, March 2017.
- ⁴ This is in reference to the Vienna Convention on Consular Relations of 1963, which sets out the rights of consular authorities, and the duties of states vis-à-vis those authorities, to protect their citizens abroad.
- ⁵ Since the inception of the EUTF for Africa, the total amount of resources made available in the three regional windows has increased to more than €2.9 billion including EU funding as well as donors' contributions. As of July 2017, 118 programmes have been financed for a total amount of €1.89 billion. It is divided regionally as follows: Sahel/Lake Chad: €1 001.8 million, Horn of Africa: €665 million, and North of Africa: €222.5 million. Of the total amount approved, more than €1 144.2 million was contracted to implementing partners. The priorities of the trust fund are: economy, resilience, migration management, and stability and government.
- ⁶ For longer-term funding, on 14 September 2016 the European Commission announced the creation of a European external investment plan, which should bring more private investment to fragile areas in the EU neighbourhood and Africa to address some of the root causes of migration.
- ⁷ According to the UN Special Representative for International Migration, [Louise Arbour](#), the long-term objective of mainstreaming migration into development policy should be to increase migration by choice and reduce irregular migration. The danger is to conceive development policy as an instrument to reduce migration, irregular or regular, which would lead to (or confirm) negative public perception and jeopardise migrants' positive contribution to society.
- ⁸ The study covers all 28 EU Member States, except Croatia and Denmark, but including Norway. The study is based on the results of the review, mostly covering the 2013-2014 period.

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epers@ep.europa.eu

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