

UNHCR ANNUAL CONSULTATIONS WITH NGOS
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International Conference Center Geneva

DISCUSSION PAPER

Title of session: Protecting rights in mixed movements: practical and principled responses in the post-compacts era

Date: Thursday, 4 July 2019

Time/Room: 14:00 – 16:00 Room 2

Executive Summary:

The Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) provide important new frameworks for responding, amongst other things, to rights violations experienced by people on the move, including in mixed movements. Both include strong calls for a whole-of-society approach to these issues. Civil society therefore has an important role to play in promoting more effective responses to mixed movements, which can ensure greater respect in practice for the rights of refugees and others on the move. The session will explore ways in which such responses can be strengthened in the areas of:

- alternatives to detention,
- regular and complementary pathways and
- safe and dignified returns and reintegration of refugees and migrants.

The session will consider ways in which the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) offer elements that may be relevant to building protection and solutions strategies that address the needs of refugees and migrants respectively, in 'mixed' situations, in countries of transit or destination.

Concept Note:

- **Background and link to the theme**

The New York Declaration for Refugees and Migrants recognises that some people move in search of new economic opportunities and horizons, that others move to escape armed conflict, persecution or human rights violations, among others, and that many move for a combination of reasons. It includes commitments that apply to both refugees and migrants, notably in relation to strengthening respect in practice for the human rights of all people on the move. On its basis, two separate instruments have subsequently been adopted in 2018, the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM). Both contain elements that may be relevant to building protection and

solutions strategies that address the needs of refugees and migrants respectively who are arriving or present, in 'mixed' situations, in a country of transit or destination.

The session will explore concrete ways the two compacts can be applied to mixed movement situations and particularly in respect of **alternative to detention, regular and complementary pathways and safe and dignified returns and reintegration** of refugees and migrants. It will provide information on specific situations and highlight good practices.

The table below includes the provisions of the two compacts that can be applied to mixed movement situations that will be illustrated during the event:

Alternatives to detention	Noncustodial and community-based alternatives to detention to be developed, particularly for children, (GCR, para 60); Use immigration detention only as a measure of last resort and work towards alternatives (GCM, Objective 13)
Providing safe pathways:	Complementary pathways for admission to third countries for persons with international protection needed, on a more systematic, organized, sustainable and gender-responsive basis (GCR paras 94-96); Enhance availability and flexibility of pathways for regular migration (GCM, Objective 5)
Safe and dignified returns and reintegration	Support for countries of origin and voluntary repatriation (GCR paras 87-89); Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration (GCM objective 21)

- **Desired outcome of the session:**

- Participants exchange experience and insights, including on how they/their organisations can concretely contribute to apply the two compacts to mixed movement situations

- **Methodology & choreography**

1. Moderator: Madeline Garlick, Chief, Protection Policy and Legal Advice Section, Division of International Protection, UNHCR - Introduction to theme: relevance of GCR and GCM in practice to mixed movements
2. Moderator: Christian Wolff, Programme Manager, Migration & Displacement, ACT Alliance – The importance of complementarity for enhancing protection responses in implementing both Global Compacts

3. Panellists – presentations:

- Ms Silvia GOMEZ MORADILLO, International Detention Coalition (IDC) – Alternatives to detention, especially with regard to children
- Ms Sayre NYCE, Talent Beyond Boundaries - complementary pathways for admission to third countries as a substantive and concrete implementation of the GCR, and implications for regular pathways in the GCM
- Carolina GOTTARDO on challenges concerning return and reintegration in the Asia-Pacific region

4. Discussion in plenary

5. Moderators: conclusion